

Introduction

In the last public letter he wrote before his death in 1826, Thomas Jefferson offered an expansive vision of the Declaration of Independence, a document he had drafted half a century before. As he declined an invitation to attend the commemoration in Washington, D.C., of the fiftieth anniversary of American independence, Jefferson called the Declaration “an instrument, pregnant with our own and the fate of the world.” He regretted that illness would keep him from a reunion with “the remnant of that host of worthies, who joined with us on that day, in the bold and doubtful election we were to make for our country, between submission or the sword.” He would have “enjoyed with them the consolatory fact, that our fellow citi-

zens, after half a century of experience and prosperity, continue to approve the choice we made. May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all,) the signal of arousing men to burst the chains, under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self government.”¹

Jefferson died on July 4, 1826, two weeks after sending this letter. He had written it in the tones of a prophetic utterance surveying past and future from the very brink of death. He surely intended the letter to be made public, and so it soon was, in a Washington newspaper on his deathday. Yet this was not the very last of Jefferson’s letters. A day after sending it on June 24, 1826, he wrote two more, one to his business agent in Richmond, Virginia, the other to a merchant in Baltimore, regarding a shipment of French wine that had just arrived from Marseilles and on which duty had to be paid.²

Jefferson’s last public thoughts may have treated the afterlife of the American Revolution, but his last private instructions concerned the stocking of his wine cellar. Both looked to the future. Both also acknowledged that the young United States was tied to a wider world, whether as an exporter of revolutionary ideas or as an importer of luxury goods. As Jefferson well knew, any independent country had to be an interdependent country.

By the time of Jefferson’s death, “half a century of experience and prosperity” had confirmed American independence as a political fact. Fifty years earlier, the Declaration had announced independence at a time when it had yet to be achieved and when it was still under vigorous assault by Britain. For almost four decades after 1776, Americans valued the successful fact of that independence more than they did the specific document that had declared it. It was only in the last decade of Jefferson’s life that the Declaration began to be seen as the well-founded article of “American scripture” celebrated by Americans every Fourth of July then and since.³

The Declaration of Independence may have acquired special significance for Americans, but its power as a symbol was potentially global in extent, as Jefferson’s prophecy in 1826 affirmed. Even during the former president’s lifetime, the Declaration had already become something more practical than a symbol: it provided the model for similar documents around the world that asserted the independence of other new states. By the time Jefferson called the Declaration “an instrument pregnant with . . . the fate of the world” in 1826, it had already been joined by some twenty other declarations of independence from Northern and Southern Europe, the Caribbean, and Spanish America. Now, more than two centuries since 1776, over half the countries of the world have their own declarations of independence.

Many of these documents drew directly on the American Declaration for inspiration. They adopted and sometimes adapted specific phrases from the Declaration. More often, they took its structure as a model for their own. Many more such declarations were written without the flattery of direct imitation. All shared clear similarities, whether in their motivation, in their language, or in their form, that make it possible to consider them collectively and globally.

Before now, declarations of independence have not been treated as a global phenomenon.⁴ The reasons for this are central to the definition of independence itself. At root, independence means political separation of the kind that the representatives of the United States asserted against King George III in 1776. More broadly, independence implies national distinctiveness and difference. Over time, separation and uniqueness nourish a sense of exceptionalism, especially for a country like the United States, born out of secession and endowed by its visionaries with a mission in the world. The authors of the Declaration had claimed independence only for themselves and not for others. Their specific and particular idea of independence would nonetheless assume near-universal significance in the centuries after 1776 as the American example spread across the world.

The American Declaration came to be seen as marking the beginning of a history separate from other national or imperial

histories. Similarly, many other declarations of independence throughout the world became the property of particular communities that have celebrated their own declarations as charters of a special standing in the world. Almost by definition, the written embodiments of such exceptionalism are unlikely to be compared with other, similar documents. So it has proved with declarations of independence.

Multiple declarations of independence have been collected for comparison on only two occasions. The first was in 1955, in advance of a meeting of the Organization of American States in Washington, D.C., when reproductions and translations of the declarations of independence produced in the Americas and the Caribbean between 1776 and 1898 were compiled into a single volume.⁵ The second sprang indirectly from the commemoration of the United States bicentennial in 1976, when scholars published a collection of independence documents from around the world that included declarations of independence as well as various other instruments of independence, such as bilateral agreements and legislative acts.⁶ Both these moments quickly passed. The compilations they left behind apparently led to no further reflection on what might be learned from considering declarations of independence as a group and in the round.⁷

Many declarations of independence have given rise to their own rich hinterlands of analysis and discussion. Most such treatments have tended to address the documents' immediate

origins rather than their place in longer, let alone broader, histories. In this respect, the American Declaration is at once typical and unusual. It is typical in that many scholars since the nineteenth century have scrutinized its creation in the summer of 1776 and its dissemination thereafter. Their work has revealed a dizzying variety of possible sources for the Declaration's language and inspirations for its form, as well as a wealth of information about how it was drafted, edited, and published. Much of their work has debated the various European sources for the Declaration's statements concerning natural rights or the right of revolution, whether in English political thought, Scottish moral theory, or Swiss philosophy, for example.⁸ That debate has concentrated mostly on the Declaration's second paragraph and its "self-evident" truths; it has not been broadened to consider other elements in the Declaration, such as the meaning of the independence it claimed for the United States. Recovering that meaning will be a major concern of this book.

Americans have been exceptionally well informed about one of the key documents in their national history. They have also had the unique opportunity to learn just who in the United States read the Declaration, how they interpreted it, and with what political and legal consequences.⁹ No other declaration of independence has had its domestic legacy traced so fully or so revealingly. What Americans and others interested in the fate of

the Declaration have so far lacked is any systematic attempt to trace its afterlife in the world beyond the United States.¹⁰

The Declaration of Independence is hardly alone among the major landmarks of American history in lacking such a global treatment of its legacy. America's growing sense of self-sufficiency and its apparent hegemony in world affairs for much of the twentieth century have bred lasting strains of forgetfulness and even ignorance about the American impact on the world and, until recently, about the world's impact on America. Many other nations have suffered similar forms of historical amnesia about their place in the world. The very prominence of the United States in international affairs, however, makes resistance to thinking of its history in global terms especially glaring. The world beyond America has always shaped the United States—as it also formed its pre-revolutionary colonial past—by immigration, the spread of ideas, or the exchange of goods, and by almost every other conceivable form of interaction over more than four hundred years.¹¹ The growing awareness of these interactions in the past has spurred Americans and non-Americans alike to "rethink American history in a global age."¹²

Putting American history into global perspective in this way can help to show that what we now call "globalization" is not a novel condition. As one historian has recently written, the move toward a global level of analysis "reveals the intercon-

tedness and interdependence of political and social changes across the world well before the onset of the contemporary phase of 'globalization' after 1945."¹³ It can also help us see that globalization has not been a single, frictionless movement toward planetary integration. Rather, it has moved in a series of discontinuous and distinct phases that have unfolded at different moments and in diverse places. Understanding globalization in this way makes it harder to produce triumphalist narratives of world history. It also makes it possible to compare discrete phases of globalization to see what they had in common as well as how they differed.¹⁴

This book, written in one moment of acute awareness about globalization, is about another such moment, more than two centuries ago. The generation of Europeans and Americans that came of age in the decades before 1776 was almost the first in human history to have ready access to a comprehensively global vision of their place in the world. That vision was the product of many linked developments: maritime exploration; the elaboration of interoceanic trade; the spread of European empires in the Atlantic, Indian, and Pacific Oceans; the diffusion of maps, histories, and travel accounts; and the ties created by the circulation and exchange of goods and ideas. It had also been greatly expanded by the titanic struggle between Britain and France for imperial dominance across the globe, known to Americans as the French and Indian War (1754–1763) and to Europeans as

the Seven Years' War (1756–1763), a conflict fought out over four continents and across three oceans.¹⁵ The generation of 1776 thus grew up in a postwar world decisively shaped by imperial rivalry and global competition.

That generation's global vision was enshrined in the comprehensive histories of European commerce and settlement that burgeoned in the years around 1776: the Abbé Raynal's *Philosophical and Political History of the Settlements and Trade of the Europeans in the East and West Indies* (1770), Adam Smith's *Inquiry into the Nature and Causes of the Wealth of Nations* (1776), and the Scottish historian William Robertson's *History of America* (1777), to name only the most notable. Edmund Burke ecstatically wrote of Robertson's *History*: "The Great Map of Mankind is unroll'd at once; and there is no state or Gradation of barbarism, and no mode of refinement which we have not at the same instant under our View."¹⁶ Raynal strongly supported the revolt of the British colonies. Smith published his work in part as an intervention in the debate on the future of Britain's "great empire on the west side of the Atlantic. This empire, however, has existed in imagination only." In the closing pages of the *Wealth of Nations*, Smith demanded that "this golden dream" of empire be either realized or abandoned entirely.¹⁷ For Robertson, American independence definitively marked the end of that dream. He brought his *History* to an abrupt end with the loss of the American colonies: as he lamented in 1784, "alas

America is now lost to the Empire and to me, and what would have been a good introduction to the settlement of British Colonies, will suit very ill the establishment of Independent States.”¹⁸

The global connections portrayed in the great commercial and oceanic histories by Raynal, Smith, and Robertson had come home forcefully to the American colonists in the course of the imperial crisis of the 1770s. The fortunes of Virginia planters and Boston merchants were bound up with the fate of the English East India Company in South Asia by great skeins of credit and debt that ran through banks in London and Glasgow, as well as by the circuits of trade that brought China tea in East India Company ships to Boston harbor in December 1773 under terms set by the Westminster Parliament. The origins of the American Revolution cannot be fully understood without an appreciation of the worldwide webs within which the colonists were enmeshed in the years leading up to 1776.¹⁹

Traces of both anxiety and excitement about those connections—were they chains or links, shackles or bonds?—can be found even in the Declaration when it announced the states’ intention to enter the international system on equal terms with the other “Powers of Earth.” These thickening global connections, and the decisive shifts in the European state system and in the balance of power within the Atlantic world that they brought in their wake, challenged contemporaries to understand their world in innovative ways. In this context, it seems

to be more than just a coincidence that the English legal philosopher Jeremy Bentham found it necessary in 1780—during the crisis of the American War—to coin “the word *international* . . . a new one, though, it is hoped, sufficiently analogous and intelligible,” to describe “the mutual transactions between sovereigns as such” that he encompassed under the neologism “international law.”²⁰

Every generation gets the Declaration of Independence it deserves. Our own global moment merits a global history of the Declaration. Such a history can be pursued from the outside in, to bring universal perspectives to bear on particular moments, places, persons, or objects. It can also be written from the inside out, from the local and specific to the worldwide and the general. These approaches are not competing but complementary; indeed, each would be impossible without the other. One can find what a near-contemporary of the Declaration, the English poet William Blake, called “a world in a grain of sand.” In the case of the Declaration, this means the traces of a wider world embedded in one relatively brief and pungent document. That document took on a life of its own as it circulated at home and abroad: out of its travels emerged another kind of global history, the history of its dissemination and reception. That history in turn spawned imitations and analogues of the Declaration.

A global history can also be written from the patterns

revealed by the emergence and accumulation of other declarations of independence. In this book, I pursue all three approaches to the global history of the Declaration of Independence as I examine successively the evidence of the world in the Declaration, the Declaration's fortunes in the late eighteenth- and early nineteenth-century world, and the myriad declarations of independence produced since 1776. The Declaration of Independence cannot help looking different when it is put into such multiple global perspectives.

No single document is so bound up with what it means to be an American and few words can sum up the American creed as succinctly as "the rights to Life, Liberty and the Pursuit of Happiness." Yet even in its earliest material forms, the Declaration offered evidence of connections with a wider world. It first appeared in print on July 5, 1776, as a single-sheet broadside for distribution and display. The printer of this version of the Declaration was a native Irishman, twenty-nine-year-old John Dunlap, who had migrated to Philadelphia from Tyrone, County Strabane, in 1757.²¹ He printed most of the copies on Dutch paper that had been brought from England, the source of much of the colonies' paper in this period; his printing press and the type he used in it would probably also have been imported from Britain.²²

The Declaration would not be signed until late July and early August 1776. Fifty-five delegates to Congress—nine of whom

had been born in Britain or Ireland, and over a dozen educated outside the colonies, in England, Scotland, and France—put their signatures to the engrossed manuscript copy of the Declaration. They did so using an inkstand fashioned by another Irishman, Philip Syng, Jr., out of silver that would have been mined in Mexico or Peru.²³

The earliest public versions of the Declaration thus arose from the intersections of politics and printing, the migration of individuals and the movement of goods, around an Atlantic world that over the course of the eighteenth century increasingly linked Europe, Africa, and the Americas into a single economic and cultural system. If such traces of the world beyond the North American colonies can be discovered in a document vested with so much significance as an icon of Americanness, then surely similar vestiges can be found throughout the various materials out of which American history is built.

I treat the Declaration of Independence variously as an event, a document, and the beginning of a genre. In the words of Carl Becker, one of its earliest students, the Declaration as an "event" was "the culmination of a series of revolutionary activities" expressed in the "document in which that event was proclaimed and justified to the world."²⁴ The Declaration's global history did not end—indeed, it had barely begun—in July 1776. The document inaugurated a genre of political writing that has persisted to the present day. By "genre" I mean a

distinct but repeatable structure of argument and literary form. Similar documents, whether or not they are consciously or directly indebted to a specific original, become instances of such a genre. Literary genres can be as strict as a sonnet or as loose as a novel; utopias and constitutions, declarations of rights and declarations of independence, are among similar genres of political writing. They supply the forms that capture, and allow us to comprehend and criticize, similar ideas and events. They provide the recurring shapes assumed by documents arising from comparable circumstances.²⁵ Genres are born. They break apart and recombine with elements of other genres. Sometimes they die. Like the ideas they contain, they are both movable and mutable, and they do not recognize national borders.

The Declaration marked the birth of a new genre of political writing. Part of its genius—and a major reason for its later success as a model for other declarations—was its generic promiscuity. It combined elements of what would become three distinguishable genres: a declaration of independence, a declaration of rights, and a manifesto. The opening and closing paragraphs of the Declaration—beginning, respectively, “When in the Course of human Events . . .” and “We, therefore, the Representatives of the UNITED STATES OF AMERICA . . .”—made up the declaration of independence itself. The second paragraph, starting with the still more famous words “We hold these Truths to be self-evident,” was closer to what would be

recognized as a declaration of rights, especially in the wake of the French Declaration of the Rights of Man and the Citizen of 1789.²⁶ Finally, the list of grievances that made up the bulk of the Declaration had the features of a manifesto that publicly explained to the world the grounds for a revolutionary action.²⁷

After its publication, the Declaration rapidly entered national and international circuits of exchange. Copies passed from hand to hand, desk to desk, country to country, often with (to us) remarkable speed, but sometimes with perhaps less surprising inefficiency and mishap. To some, the Declaration could easily be ignored, while others sought it out, pored over it, or painstakingly translated it out of its original language. To yet others, it was a subversive document in an age when treason and revolution could be ignited by papers as readily as by rebels. “The independence of the Anglo-Americans is the event most likely to accelerate the revolution that must bring happiness on earth,” remarked the French royal censor the Abbé Genty in 1787: “In the bosom of this new republic are the true treasures that will enrich the world.”²⁸ As if to fulfill this prophecy, for more than two centuries the Declaration provided others with just the template they would need to communicate their own political intentions to “a candid World.”

Once the Declaration had embarked upon this international career, it broke loose from the circumstances of its birth. It took on a life of its own and became the model for what would

in time become a global genre. No document before 1776 had ever been called a declaration of independence; in fact, the Declaration itself did not carry that title, nor did the word “independence” appear anywhere in its text. For months before July 1776, however, contemporaries had been speaking of the need for “an independency,” a “declaration of independency,” or a “declaration of independence.” On July 8, 1776, Jefferson sent “a copy of the declaration of independence” to his fellow Virginian Richard Henry Lee.²⁹ There could be no doubt, then, that the document issued by the Continental Congress and dated July 4, 1776, was a “declaration” (as it called itself, in both its printed and manuscript versions), and that what it declared, first and foremost, was “independence.” Once it had done so, and after it had traveled far and wide as a document, it could be imitated, plundered, and paralleled by the many other documents that constitute the genre of declarations of independence.

Urgent international pressures had compelled Congress to issue a declaration in the early summer of 1776. Accordingly, the Declaration reflected a range of concerns about security, defense, commerce, and immigration. As a document that announced the transformation of thirteen united colonies into the “United States of America,” the Declaration marked the entry of those states into what would now be called international society. Its authors addressed it to “the Opinions of Mankind” in

diplomatic and legal language designed to render it acceptable to its audience beyond America. The Declaration thereby reflected changing conceptions of the international community of the Atlantic world. It helped to change that community by expanding its boundaries westward into North America and by opening American commerce to a wider world outside the limits previously set to it by the laws of the British Empire.

The American Declaration, like its successor declarations, was a document of state-making, not of nation-formation. It declared that what had formerly been dependent colonies within the British Empire were now independent states outside that empire’s authority. It did so without mentioning “Americans” or using the word “nation.” Instead, it concentrated on the emergence of “one People” assuming a separate and equal station “among the Powers of the Earth” and declared that “these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES.” The Declaration’s statements regarding rights to “Life, Liberty and the Pursuit of Happiness” were strictly subordinate to these claims regarding the rights of states, and were taken to be so by contemporaries, when they deigned to notice the assertions of individual rights at all. Thus a contemporary report in August 1776 noted that when the Declaration was first read out to the Continental troops at Ticonderoga, in western Pennsylvania, “the language of every man’s countenance was, Now we are a people! We have a name

among the states of this world!" The first loyalty oath issued by the new United States similarly asked officials to "acknowledge the UNITED STATES of AMERICA to be Free, Independent and Sovereign States, and declare that the people thereof owe no allegiance or obedience to George the Third, King of Great-Britain."³⁰

American and foreign audiences found many different meanings in the Declaration during the decades immediately following 1776. Shifting international contexts in those years—of war, revolution, and state-formation—helped to change even the American understanding of the Declaration's central message from an assertion of statehood to a declaration of individual rights. Meanwhile, the circulation of the Declaration outside the United States encouraged a wider debate about the rights of states—especially new states, like the United States—to enter the international arena. The claims regarding individual rights in the Declaration's second paragraph played little part in these broader discussions. They would not be seen as crucial to the Declaration's meaning for an international audience until the advent of a global rights movement in the second half of the twentieth century.

The Declaration's enumeration of the rights of the former colonies "to do all [the] Acts and Things which INDEPENDENT STATES may of right do" drew attention to features of the state within the international realm. The conception of the

state found in the Declaration was Janus-faced, as it is in most standard definitions of the state, classically encapsulated in the 1933 Montevideo Convention on the Rights and Duties of States as the possession of a permanent population, a defined territory, and a government, and the capacity to enter into relations with other states.³¹

The Declaration affirmed the existence of a population ("one People") and implied a form of government, but it did not define a territory. Instead, it stressed firmly the capacities of the United States as international actors alongside other such actors. My analysis in this book will follow this emphasis in the Declaration by highlighting the outward-looking rather than the inward-looking face of the state. Thus I downplay nations—as well as nationalism and national identity—in pursuit of a history concerning the relations of states with other states: how they have been created, by what criteria they have been recognized, and what the consequences of their proliferation have been.

States were not always the primary units of global politics that they had become by the latter half of the twentieth century. They faced competition from both larger and less well integrated political organizations in the form of empires.³² In the last quarter-century, states have been rapidly outnumbered by proliferating nongovernmental organizations and multinational corporations.³³ They have also often had to confront challenges

from substate groups or peoples claiming to be nations, in the sense of cultural communities based on the mutual recognition of commonality among their members. Yet we should not fall into the nationalist assumption of identifying states with nations as "nation-states." As Ernest Gellner has noted, "nations, like states, are a contingency, and not a universal necessity. . . . Moreover, nations and states are not the *same* contingency. . . . The state has certainly emerged without the nation. Some nations have certainly emerged without the blessings of their own state."³⁴

The story of how the world came to be so thickly populated with states has hardly begun to be told.³⁵ Assembling and analyzing declarations of independence is an economical way to sketch the outlines of that much grander narrative. In order to assert their own statehood, most of the world's present-day states had at some point in the last two centuries declared their independence of the larger units that had once contained them. They sought confirmation of their standing alongside other such states by justifying their secession and, in some cases, their recombination with other territories and peoples. In short, they declared their possession of sovereignty, both internally, over all their own people, and externally, against all other states and peoples. More than one hundred declarations of independence have been issued since 1776, indicating a great political transformation of the last two centuries: the gradual emer-

gence of a world—our world—of states from an earlier world dominated by empires. Considered in a series and as a genre, those declarations point up the stages of that epochal transition better than any other set of historical documents can.

The primary purpose of the American Declaration, like that of most declarations of independence that have been issued since 1776, was to express the international legal sovereignty of the United States. Thus Jefferson recalled in May 1825 that

an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. Not to find out new principles, or new arguments never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind.³⁶

Jefferson was perhaps too modest in his assessment. The Declaration was innovative in two ways that would have far-reaching consequences. First, it introduced "the United States

of America” to the world; second, it inaugurated the very genre of a declaration of independence. No previous public document had used the name “the United States of America”: in the months immediately before July 4, 1776, and even within the text of the Declaration itself, the political bodies represented at the Continental Congress had been generally called the “United Colonies.”³⁷ Yet the earliest printed text of the document was explicitly called “A Declaration By the Representatives of the United States of America, in General Congress Assembled.”

John Dunlap’s broadside highlighted only three terms in its main text by means of capital letters: “the UNITED STATES OF AMERICA” in “GENERAL CONGRESS” assembled as they declared themselves to be “FREE AND INDEPENDENT STATES.” The formal manuscript copy of the Declaration produced later in July 1776 to be signed by all the delegates highlighted these same words. They appear in a distinctive italic script that draws attention to their significance. So faded is this manuscript of the Declaration now on display at the National Archives in Washington, D.C., that these are almost the only clearly legible parts of the text. That is only appropriate, for these words made up the central message of the Declaration as an assertion of sovereignty as independence.

This is what the Declaration of Independence declared: that the former United Colonies were now “the United States of America” because they were “free and independent states.” No

document in world history before 1776 had made such an announcement of statehood in the language of independence. A great many later documents would do just that. Indeed, the global history of the two centuries after 1776 would show that creating the flexible instrument with which others could declare their independence proved to be as momentous an innovation in its own way as ushering “the United States of America” onto the world stage in July 1776 had been.

CHAPTER ONE

The World in the Declaration of Independence

So apparently familiar are the words of the Declaration of Independence that it is easy to forget what it was the Declaration declared. Ask most Americans—and no doubt many non-Americans—to quote the opening lines of the document and they will likely reply, “We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.” Just how those rights might have been connected to independence, few would now stop to ask.

“Self-evident truths”; “all men are created equal”; “unalienable rights”; “Life, Liberty and the Pursuit of Happiness”: these

are ringing words and noble sentiments, to be sure, but they are not in fact what the Declaration proclaimed in 1776. Even Abraham Lincoln, speaking in 1857, admitted: "The assertion that 'all men are created equal' was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration, not for that, but for future use."¹

The Declaration would have been a document without a future had it failed in its central purpose of declaring independence. Had the Declaration been entirely ignored (as by many it was); had its fundamental claims been decisively refuted (as some thought they had managed to do); and had American independence been nipped in the bud by British military force (as it could very well have been), then few might now recall those supposedly "self-evident" truths.

To see what the Declaration did declare, it will be helpful to recall the structure of the document. For the Declaration was an announcement in the form of an argument, possibly patterned according to rules of logic that Thomas Jefferson—its primary drafter—had learned during his student days at the College of William and Mary in Virginia.²

The Declaration fell into five parts. Its initial premise, as stated in the opening paragraph, was that "a decent Respect to the Opinions of Mankind" required that "one People" breaking away from another should declare their reasons for doing so. Its secondary premises, stated in the now more famous second paragraph, held to be self-evident the truths

that all Men are created equal, that they are endowed by the Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness.

Violations of basic rights like life, liberty, and the pursuit of happiness could justify a separation only if they could be shown to amount to "a long Train of Abuses and Usurpations." Only then would a people be justified in seeking "to provide new Guards for their future Security."

The third and longest part of the Declaration listed the alleged "repeated Injuries and Usurpations" committed by George III as "Facts . . . submitted to a candid World" in evidence of just such a train of abuses. The penultimate section stated that those grievances had gone unredressed by "our British Brethren," so that "we must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the rest of Mankind, Enemies in War, in Peace, Friends."

Separation from Great Britain could be justified both logi-

cally and historically. Accordingly, the Declaration concluded in its fifth and final part that “these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES.” It was to affirm this conclusion that the representatives assembled in Congress resolved to “pledge to each other our Lives, our Fortunes, and our sacred Honor.”

The Declaration’s opening and closing paragraphs clearly affirmed the entrance of a new actor (“one People”) or actors (thirteen “FREE AND INDEPENDENT STATES”) onto the world stage. The document’s very first sentence stated truths about that world so self-evident that they apparently needed no justification or elaboration:

When in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature’s God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

Packed into this sentence was a set of assumptions about eighteenth-century international politics.³ The most fundamental was the existence of a group of political bodies (“the Powers of the Earth”) that interacted with one another according to cer-

tain external rules (“the Laws of Nature and of Nature’s God”). They were entitled to do so for two main reasons: because they were separate from—or independent of—one another, and because they were equal in station to one another. Their number was not closed or fixed; from time to time, it could expand to include any “People” that had been compelled to become separate and thereby wished to claim equal standing with the existing powers. Like any public made up of discrete political persons, however, this community of earthly powers possessed opinions that needed to be informed and respected. Thus its members communicated with one another formally by means of public documents such as the Declaration itself.

The Declaration’s concluding paragraph enumerated the rights possessed by those states that had successfully achieved their independence and equality:

[T]hese United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES . . . and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do.

This list of the corporate rights of states was as open-ended as the roster of individual rights found earlier in the Declaration, which had stated that “all Men . . . are endowed by their Cre-

ator with *certain* unalienable Rights . . . among these are Life, Liberty and the Pursuit of Happiness" (my emphases). The Declaration specified the powers of states—war and peace, treaty-making, and commerce—without foreclosing the need to exercise other, similar powers should the need arise. With that precise but flexible declaration of rights, the representatives of the United States announced that they had left the transnational community of the British Empire to join instead an international community of independent sovereign states.

The Declaration of Independence was therefore a declaration of interdependence. By issuing it, members of Congress showed their "Respect to the Opinions of Mankind." They submitted the facts of their case to "a candid World," meaning an unprejudiced world. And they pledged to treat the British "as we hold the rest of Mankind, Enemies in War, in Peace, Friends." The Declaration may have spoken on behalf of Americans through the voice of their congressional representatives, but they were not the audience to which the text implicitly directed its argument. That was instead the "Opinions of Mankind," the collective public opinion of the powers of the earth.

The very term "declaration" would have implied as much. To be sure, the word did have technical meanings within seventeenth-century English history and eighteenth-century English law. Historically, a declaration was a public document issued by a representative body such as Parliament; by calling its doc-

ument a "Declaration," the Continental Congress implied that it possessed the same sort of power to issue such documents as did the British Parliament.⁴ Legally, what the leading eighteenth-century English lawyer Sir William Blackstone had called in 1765 "the *declaration, narratio, or count*" was the form "in which the plaintiff [in a civil trial] sets forth his cause of complaint at length." Only the third section of the American Declaration—the charge-sheet of grievances against the king—amounted to a declaration in this sense.⁵

In contemporary diplomatic parlance, a declaration meant a formal international announcement by an official body, "either by a general manifesto, published to all the world; or by a note to each particular court, delivered by an ambassador."⁶ This is of course now the main meaning of "declaration" in terms like "declaration of war" or, indeed, "declaration of independence."⁷ The Declaration of Independence possessed elements of all three forms of declaration. In its language, its form, and its intent, it most closely approximated "a general manifesto, published to all the world."

The Declaration was the culmination of a series of documents designed by the Continental Congress to shape the "Opinions of Mankind" across the British Empire (before July 1776) and then in the wider world (by the Declaration itself). Before issuing the document, Congress had produced some fifteen other state papers in the form of letters, petitions, pro-

posals, addresses, and a speech, but it had issued only one other “declaration” as a formal precedent for the Declaration of Independence: the “Declaration by the Representatives of the United Colonies . . . Seting Forth the Causes and Necessity of Their Taking Up Arms” of July 6, 1775. Thomas Jefferson was one of the primary drafters, along with Pennsylvania delegate John Dickinson, of this earlier declaration. In it, they had acknowledged “obligations of respect to the rest of the world, to make known the justice of our cause” and had “exhibit[ed] to mankind” the plight of a wronged people.⁸

Like the Declaration of Independence, the “Declaration . . . [on] Taking Up Arms” marked a decisive turning point in the struggle between Britain and its American colonies: in this case, the move by the colonists to formal armed conflict. It, too, had been addressed to the judgment of a wider world, with the reassurance that “we have not raised armies with ambitious designs of separating from Great-Britain, and establishing independant states”; accordingly, Congress rapidly dispatched the document across the Atlantic to be printed in London newspapers. Congress’s other state papers had been addressed variously to the British people, the inhabitants of Quebec, the people of Ireland, the Assembly of Jamaica, the Six Nations of the Iroquois Confederation, the province of Canada, and to Lord North and the king. Only one, in October 1774, had been addressed to the inhabitants of the colonies them-

selves. Even that document had been composed with the expressed hope of making “the strongest recommendation of their cause to the rest of mankind.”⁹

The Declaration’s change of implied audience in July 1776—from particular communities within the British Empire to “the candid world” at large—enacted the central claim of the work itself: that the United Colonies had ceased to be members of the British Empire and now stood alongside “the Powers of the Earth.” In fact, for almost two years before making the Declaration, Congress had been exercising most of the rights claimed for the United States in that document. It had been negotiating with British representatives, appointing agents to pursue its interests in Europe, corresponding with foreign powers, and seeking various kinds of aid for the revolutionary cause.¹⁰ For supporters of a declaration in Congress, therefore, “the question was not whether, by a declaration of independence, we should make ourselves what we are not; but whether we should declare a fact which already exists.”¹¹

For some, the Declaration itself was only the last in a series of acts that had severed the connection between Britain and the United Colonies in the months before July 1776. In August 1775, George III had already declared by proclamation that the American colonists were rebels, and hence outside his monarchical protection. Parliament had confirmed this royal proclamation in its Prohibitory Act of December 1775. John Adams,

writing in March 1776, cautioned a correspondent against confusing mere freedom of trade with full-blown international independence: "Independency is an Hobgoblin, of so frightfull Mein, that it would throw a delicate Person into Fits to look it in the Face." Only the political dissolution of the bonds of empire could amount to such a fearsome step. Moreover, Adams thought that dissolution had already been effected by "the prohibitory Act, or piratical Act, or plundering Act, or Act of Independency." "It is a compleat dismemberment of the British Empire," Adams wrote. "It throws thirteen Colonies out of the Royal Protection, levels all Distinctions and makes us independent in Spight of all our supplications and Entreaties . . . But it is very odd that Americans should hesitate at accepting such a gift."¹² They would not hesitate for long. Although they were now rebels in the eyes of the British king and Parliament, they were not yet legitimate belligerents in the view of the rest of the world.

In order to turn a civil war within the British Empire into a war between states outside the empire, it was necessary to create legitimate bodies of combatants—that is, states—out of individual rebels and traitors. This was the motive behind the resolution that Richard Henry Lee moved in Congress on behalf of the Virginia delegation on June 7, 1776: "That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British

Crown, and that all political allegiance between them and the State of Great Britain is, and ought to be, totally dissolved."

The international context of this resolution, effectively Congress's original declaration of independence, was evident from the rest of Lee's motion: "That it is expedient forthwith to take the most effectual measures for forming foreign Alliances. That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation."¹³

This resolution led to the creation of three interlocking committees that shared both personnel and purposes. One was charged with writing a declaration of independence, another with drafting a model treaty of commerce and alliance, and a third with drawing up articles of confederation. Each of these documents was designed to be an expression of state sovereignty under the contemporary law of nations. The Declaration of Independence defined it. The Model Treaty would enact it.¹⁴ The Articles of Confederation safeguarded it for each of the thirteen states in Article II ("Each State retains its sovereignty, freedom and independence"), but confined its international expression to Congress alone (in Articles VI and IX, which gave Congress "the sole and exclusive right and power of determining on peace and war").¹⁵

The need for recognition and assistance from other European powers had become ever more pressing since the autumn of 1775. In October 1775, John Adams wondered if foreign

courts might not rebuff American envoys: "Would not our Proposals and Agents be treated with Contempt?"¹⁶ Richard Henry Lee similarly noted in April 1776 that "no state in Europe will either Treat or Trade with us for so long as we consider ourselves subjects of G[reat] B[ritain]. Honor, dignity, and the customs of states forbid them until we rank as an independant people."¹⁷ Therefore it was necessary for the colonists to create juridical bodies with which the European powers could legitimately conduct commerce and enter into alliances.

The most extensive presentation of the case for independence according to "the customs of states" came in January 1776 in the closing pages of Thomas Paine's best-selling pamphlet *Common Sense*. Paine argued that "nothing can settle our affairs so expeditiously as an open and determined declaration for Independance." Only independence would permit a mediator to negotiate peace between the United States and Great Britain; without such mediation, "we may quarrel on for ever." Foreign alliances could not be secured without it: France and Spain would hardly support the colonies if they were to be asked only to aid reconciliation with Britain. Charges of rebellion would also persist if independence were not declared: "we must in the eye of foreign Nations be considered as Rebels." Moreover, it was essential for a "manifesto to be published, and despatched to foreign Courts," explaining colonial grievances, the lack of redress, and the necessity of separation, "at the same

time assuring all such Courts, of our peaceable disposition towards them, and of our desire of entering into trade with them." Until such a manifesto was dispatched, "the custom of all Courts is against us, and will be so, until by an Independance, we take rank with other Nations."¹⁸

Throughout the spring and early summer of 1776, Paine's arguments echoed in the various instructions, addresses, and resolutions that local bodies throughout the colonies sent to the delegates at the Continental Congress. For example, in April 1776, North Carolina's delegation was urged "to concur with the Delegates of the other Colonies in declaring Independency, and forming foreign alliances," and delegates from Charlotte County, Virginia, were directed "to cast off the *British* yoke, and to enter into a commercial alliance with any nation or nations friendly to our cause." In the following month similar instructions came from Malden, Massachusetts, to express "the ardent wish of our souls that *America* may become a free and independent State," and in June 1776 delegates from Connecticut were instructed "to declare the United Colonies free and independent States."¹⁹

These instructions, like the Declaration itself, faithfully combined two arguments Paine had made so forcefully in *Common Sense*: that the American colonies should be independent and that they should be nonmonarchical republics, that is, "free . . . States." By the end of the sixteenth century the word "state" had

taken on its recognizably modern meaning of an impersonal political power distinct from its holder. In anglophone political language, the term “free state” had come to mean specifically a nonmonarchical regime like the “Commonwealth and Free State” created after the execution of the English king Charles I in 1649.²⁰ As the American historian David Ramsay noted on the second anniversary of independence in 1778, “Independence has been the fruitful parent of governments formed on equal principles . . . While we were dependent on Britain, our freedom was out of the question; for what is a free state, but one that is governed by its own will?”²¹ “Free and independent states” were thus republican governments, outside any allegiance to the British Crown and operating under the prevailing norms of the law of nations.

The standard guide to those norms available in 1776 was the compendious work by the Swiss jurist Emer de Vattel, *The Law of Nations* (1758).²² Vattel’s legal handbook had been a product of the early stages of the Seven Years’ War. He wrote it in French, the prevailing language of European diplomacy, but it was almost immediately translated into English on its publication. Thereafter, it became the standard text on the subject in Europe and the Americas for more than half a century, with the result that its definitions of key terms in what we would now call international law and international relations became stan-

dard within the world of European—and, increasingly, also American—diplomacy.²³

Vattel made independence fundamental to his definition of statehood:

Every nation which governs itself, under any form whatsoever, without dependency on any foreign country, is a *sovereign state*. Its rights are by nature the same as those of every other state. These are the moral persons who live together in a natural society subject to the law of nations. For any nation to make its entrance into this great society, it is enough that it should be truly sovereign and independent, that is to say, that it governs itself under its own authority and its own laws.

Such independent sovereign states took on the qualities of the persons who comprised them: “Nations being composed of people naturally free and independent (*libres & indépendans*) and who, before the establishment of civil societies lived together in a state of nature, nations, or sovereign states, must be considered as if they were free persons who co-exist in the state of nature.” From this fact, Vattel derived two overarching laws imposed upon all states: that they should contribute to the happiness and perfection of all other states; and that, because as

states they are mutually free and independent (*libres & indépendantes les unes des autres*), they must leave one another in the peaceful enjoyment of their liberty. Vattel argued that, because states are free, independent, and equal (*libres, indépendantes, égales*), they must enjoy a perfect equality of rights. Such rights could not trump the laws of nations: all states might be free and independent (*libres & indépendantes*), but they were still bound to observe the laws of society that nature had established among them.²⁴

No writer on the law of nations before Vattel had so consistently—and persistently—emphasized freedom, independence, and interdependence as the condition of states in their relations with one another. The authors of the American Declaration would soon adopt his repeated insistence that states were “free and independent” as the conception of their own states’ condition. By doing so, they enacted Vattel’s central contention that—in the words of his contemporary English translator—“independence is ever necessary to each state”; to secure that independence “it is sufficient that nations conform to what is required of them by the natural and general society, established among all mankind.”²⁵ In due course, this would become the standard modern definition in international law of independence as “the capacity to enter into relations with other states.”²⁶

It was no coincidence that the conception of statehood as in-

dependence found in the Declaration of Independence resembled Vattel’s so closely. In October 1774, James Madison had been informed that “Vattel, Barlemaqui Locke & Montesquie[u] seem to be the standar[d]s to which [Congress] refer either when settling the rights of the Colonies or when a dispute arises on the Justice or propriety of a measure.”²⁷ Just over a year later, in 1775, Benjamin Franklin sought out the latest edition of Vattel’s work for the benefit of Congress because “the circumstances of a rising state make it necessary frequently to consult the law of nations.” Franklin obtained three copies of the book, which he dispatched to the Library Company of Philadelphia, to the Harvard College library, and to the Continental Congress itself. (Congress’s copy has been lost, but the other two copies remain in the libraries to which Franklin sent them.) The work was immediately useful: as Franklin informed Vattel’s editor, C. G. F. Dumas, in December 1775, it “has been continually in the hands of the members of our congress, now sitting.”²⁸ The Declaration’s vision of “Free and Independent States” assuming the “station to which the laws of nature and of nature’s God entitle them” owes an obvious debt to Vattel’s conception of states as free and independent under the laws of nature. Thus Franklin’s words were not idle flattery.

The relative novelty in 1776 of the definition of international statehood as freedom and independence is obvious if one compares the American Declaration with two earlier docu-

ments retrospectively baptized as declarations of independence: the Declaration of Arbroath (1320) ("the Scottish Declaration of Independence") and the Dutch Act of Abjuration (1581) ("the Dutch Declaration of Independence"). The Declaration of Arbroath was addressed in the name of Scottish earls and barons to Pope John XXII, urging him to use his influence to convince the English king, Edward II, to enter peace negotiations with Robert Bruce, the king of Scots. The document asserted Scottish freedom on the basis of the historic continuity of the Scots nation and a conception of liberty drawn from the Roman historian Sallust. Its claims were thus backward-looking and defensive.²⁹ The document was never called a declaration of Scottish independence before the twentieth century: that recent pedigree did not deter the United States Congress from resolving in 1998 that the Declaration of 1776 had been modeled on that "inspirational document" of 1320, or from reaffirming that connection almost every year since in resolutions from both House and Senate in favor of marking a National Tartan Day on April 6, the date when the Arbroath declaration was signed.³⁰

The Dutch Act of Abjuration (*Plakkaat van Verlatinge*), by which the States General cast off their allegiance to King Philip of Spain in July 1581, had abjured the sovereignty of King Philip but sought in his place "another powerful and merciful prince to protect and defend these provinces": it was, in this sense, a declaration of prospective dependence upon a new sov-

ereign, the duke of Anjou.³¹ The document was also based on historic and contractual rights that had been guaranteed and regularly reinforced since the fourteenth century, rather than on an appeal to natural law or other abstract rights outside of history and beyond positive agreement. However, the form of the American Declaration—with its assertion of a right to throw off the sovereignty of a tyrannous prince and its enumeration of grievances—was still close enough to that of the Dutch Act for the pro-British (and anti-American) Dutch stadtholder William V, prince of Orange, to call the Declaration in August 1776 but "the parody of the proclamation issued by our forefathers against King Philip II."³²

There is at best only circumstantial evidence that the Dutch Act provided a model for the American Declaration of 1776.³³ Even if it had, the defining claim to independence could not be found in the earlier declaration. It, too, would not be known as the Dutch declaration of independence until long after its original promulgation, and in the wake of the rise to prominence of the American Declaration. It was not so-called until the 1890s. Even then, the term arose in the United States rather than in the Netherlands, during a brief burst of what has been called "Holland Mania" in which the histories of the two republics were favorably compared and the origins of many American institutions, such as freedom of religion and freedom of the press, were traced back to their alleged Dutch roots.³⁴ These

belated baptisms of historic documents as declarations of independence indicated the increasing prestige and prominence of the American Declaration in world history rather than any genuinely long or distinguished pedigree for it.

The lack of precise generic precedents for the Declaration in 1776 should not be taken as a sign that Congress had ignored the lessons of history or the wider global context when justifying the admission of the United States to the international community. Both sides of the debate on Lee's resolution in June and July 1776 amply considered such lessons in the service of arguments for and against declaring independence.³⁵ The opponents of a declaration argued that neither France nor Spain would be likely to ally with the colonists out of fear that a rising power would threaten their own possessions in the Americas. Even more alarming, such a fear might impel the French and Spanish courts to ally with Britain, which "would agree to a partition of our territories, restoring Canada to France, & the Floridas to Spain, to accomplish for themselves the recovery of these colonies" that had been ceded to Britain at the end of the Seven Years' War in 1763.³⁶

In the aftermath of the war, and in light of other recent international events, the threat of partition was immediate and real to many colonists. Thus in Congress on July 1, 1776, John Dickinson warned: "A *Partition* of these Colonies will

take Place if G.B. cant conquer us"; this would be like "Destroying a House before We have got another. In Winter with a small Family."³⁷ Even after the Declaration had been declared, another Pennsylvania delegate, Benjamin Rush, feared that it would only excite Britain to greater military exertions in concert with predatory European allies. "What do you think of the States of America being divided between two or three foreign States & of seeing the Armies of two or three of the most powerful Nations in Europe upon our Coasts?" he asked on July 23, 1776.³⁸

European diplomatic practice gave grounds for such fears. In 1768, the Genoese had invited France to suppress the revolt on the Mediterranean island of Corsica that had been led since 1765 by Pascal Paoli, a heroic figure whose plight was well known to, and much celebrated by, American colonists.³⁹ (The town of Paoli, in Pennsylvania, is still a reminder of colonial enthusiasm for the cause of Corsican independence.) In 1772 Prussia, Russia, and Austria had begun the dismemberment of Europe's largest state in the first Partition of Poland, a series of events that the colonists also followed with interest and anxiety.⁴⁰

With these troubling precedents in mind, Daniel Leonard warned in 1775 that Britain might ally with France and Spain so that "the whole continent would become their easy prey, and would be parcelled out, Poland like," while Richard Henry Lee

speculated in April 1776 that "a slight attention to the late proceedings of many European Courts will sufficiently evince the spirit of partition, and the assumed right of disposing of Men & Countries like live stock on a farm that distinguishes this corrupt age. . . . Corsica, & Poland indisputably prove this."⁴¹ A year later, in April 1777, Thomas Paine confirmed the salience of this fear in the discussions leading to the Declaration: "There were reasons to believe that Britain would endeavour to make a European matter of it." He, too, cited Corsica and Poland as proof that "such traffics have been common in the old world." "All Europe," he concluded, "was interested in reducing us as rebels, and all Europe (or the greatest part at least) is interested in supporting us as Independent States."⁴²

Opponents of independence had counseled delay, lest secession by one "confederacy" of colonies or another should encourage European powers to descend upon the enfeebled colonies. Congressional proponents of independence answered this charge with another appeal to history. Unanimity could not be achieved immediately, but "the history of the Dutch Revolution, of whom three states only confederated at first[,] proved that a secession of some colonies would not be so dangerous as some apprehended."⁴³

The Dutch Revolt had been the first successful secession of a province from an imperial monarchy in modern European history. The colonists were well aware of this precedent, which

had led to the creation of a federation of free states like their own.⁴⁴ As Abigail Adams wrote in April 1781, after the United Provinces had declared for the American cause, "if the old Batavian Spirit still exists among them, Britain will Rue the Day that in Breach of the Laws of Nations, she fell upon their defenceless dominions, and drew upon her . . . the combined force of all the Neutral powers." She argued that the similarities between their two causes "will cement an indissoluble bond of union between the united States of America and the united Provinces who from a similarity of circumstances have each arrived at Independance disdaining the Bondage and oppression of a Philip and a G[e]orge."⁴⁵ John Adams wrote in similar vein to the Dutch States General in the same month: "The Origins of the two Republicks are so much alike, that the History of the one seems but a Transcript from that of the other."⁴⁶ In light of the frequent comparisons drawn between the two federations, it may be significant that in the seventeenth and eighteenth centuries the United Provinces were sometimes called in English "the united states." Thus the volume of treaties Congress used when drafting the Model Treaty included an Anglo-Spanish agreement of 1667 that referred in just this way to "the united states of the Low Countries."⁴⁷

Supporters of independence buttressed their arguments from history with more immediate assurances about the state of international affairs. Without a declaration, they reiterated, it

would be “inconsistent with European delicacy for European powers to treat with us or even to receive an Ambassador from us.” France and Spain had more to fear from a British victory in America, and a consequent resurgence of British power, than they did the rising power of the colonies alone. More practical considerations dictated immediate action, as “it is necessary to lose no time in opening a trade for our people, who will want clothes, and will want money too for the payment of taxes.”⁴⁸

During the debate in Congress on July 1, John Dickinson made last-ditch arguments opposing a declaration of independence, and warned against any general manifesto because “foreign Powers will not rely on Words.” He recommended instead private negotiations with European powers (especially France): “We must not talk generally of foreign Powers but of those We expect to favor Us.”⁴⁹ Envoys had already been sent to Europe, however, and congressional sentiment was now overwhelmingly in favor of independence. Lee’s resolution passed on July 2 without any dissent, thanks to the Pennsylvania delegation, who, along with South Carolina and the formerly divided Delaware delegation, changed their votes.⁵⁰ On July 3, John Adams still lamented that the affirmation of independence had been delayed so long (“We might before this Hour, have formed Alliances with foreign States.—We should have mastered Quebec and been in possession of Canada”), but he rejoiced that it had come at last: “The Second Day of July 1776, will be the most

memorable Epocha, in the History of America” and “ought to be commemorated, as the Day of Deliverance . . . from one End of this Continent to the other from this Time forward forever more.”⁵¹

Posterity would judge that Adams had chosen not only the wrong day but also the wrong document as the focus for commemorating American independence. At the time, Adams’s choice was more defensible because it acknowledged the pivotal importance of Lee’s resolution as marking the point of no return. The Declaration in which the resolution would be justified to the opinions of mankind was strictly a secondary document.

Ratification of the Declaration was preceded by three days of intense debate in Congress about the wording of its text. Three weeks prior to July 4 Congress had appointed a committee consisting of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston to draft the Declaration.⁵² On June 28 Jefferson reported the fruits of the committee’s work to Congress, but the draft Declaration was set aside until after the vote on Lee’s resolution.

The text Jefferson submitted was written under immense pressure of congressional business, with the advice of the other members of the committee. He had constructed it in part from a series of other relevant materials: the preamble he had written for the Virginia Constitution; George Mason’s Virginia

Declaration of Rights; and Lee's resolution for independence itself. The product was a remarkable piece of textual bricolage. In form it was both a declaration—in the sense that the “Declaration . . . [on] Taking Up Arms” had also been a declaration—and a manifesto, that is, a detailed presentation of evidence to support “an appeal to the tribunal of the world,” as Jefferson would call it in 1825. The heart of that manifesto was the list of charges that constituted “The History of the King of Great-Britain,” much of which Jefferson had drawn from his Virginia preamble.⁵³

Jefferson's recounting of this “History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States,” was the culmination of a theory of conspiracy that had unfolded across Congress's state papers since 1774. The address “To the Inhabitants of the Colonies” (October 1774) had enumerated all the legislative and other designs against the colonies since “the conclusion of the late war”—that is, the Seven Years' War—in 1763. The evidence it presented proved, to Congress's satisfaction, “that a resolution is formed and now is carrying into execution, to extinguish the freedom of these colonies, by subjecting them to a despotic government.”⁵⁴

Congress rendered its account of an unfolding global conspiracy—because empire-wide in scale—to audiences beyond

the thirteen colonies. It had informed the inhabitants of Québec in October 1774 that “the substance of the whole, divested of its smooth words, is that the Crown and its Ministers shall be as absolute throughout your extended province, as the despots of Asia or Africa.” The following year it described to the Jamaica Assembly an even more comprehensive and “deliberate plan to destroy, in every part of the empire, the free constitution, for which Britain has been so long and so justly famed”:

In the East-Indies, where the effeminacy of the inhabitants promised an easy conquest, they thought it unnecessary to veil their tyrannic principles under the thinnest disguise. . . . In Britain, where the maxims of freedom were still known, but where luxury and dissipation had diminished the wonted reverence for them, the attack had been carried on in a more secret and indirect manner: Corruption has been employed to undermine them. The Americans are not enervated by effeminacy, like the inhabitants of India; nor debauched by luxury, like those of Great-Britain: It was therefore judged improper to assail them by bribery, or by undisguised force.

For these reasons, Congress informed the people of Ireland in an “Address” in July 1775, “the important contest, into which

we have been driven, is now become interesting to every European state, and particularly affects the members of the British Empire.”⁵⁵

Each side in the American conflict had accused the other of such conspiratorial designs, whether for tyranny, as the Americans argued, or for independence, as Britons countered, but only the Americans projected their suspicions onto a global screen.⁵⁶ They did so, in part, to garner support from other quarters of the empire: if the American colonies should succumb to ministerial or royal despotism, then who would ever be safe from British tyranny? However, they could not have assumed their accusations would persuade the Québécois or the Irish if they had lacked any wider resonance.

Since the mid-seventeenth century, English and later British political discourse traditionally presented the freedoms of Northern Europe and its American colonies as hardwon, persistently embattled, and perpetually on the defensive in a world populated mostly by slaves ruled over by despots and tyrants. “Liberty is the natural birthright of mankind,” exclaimed the English political economist Arthur Young in 1772; “and yet to take a comprehensive view of the world, how few enjoy it!” He calculated that only 33.5 million people out of an estimated global population of 775.3 million were not “the miserable slaves of despotic tyrants . . . and of these few so large a portion as 12,500,000 are subjects of the British empire.”⁵⁷

The most eloquent statement of this view had come in Paine’s *Common Sense*, when he concluded his account of the injuries visited on the Americans with these rousing lines:

O ye that love mankind! Ye that dare oppose not only the tyranny, but the tyrant, stand forth! Every spot of the old world is over-run with oppression. Freedom hath been hunted around the Globe. Asia and Africa have long expelled her:—Europe regards her like a stranger, and England hath given her warning to depart. O! receive the fugitive, and prepare in time an asylum for mankind.⁵⁸

Five months later, the authors of the Declaration would share Paine’s judgment that the king was to blame for the designs against his American subjects. But they did not imitate Paine’s apocalyptic rhetoric, focusing only on those details in his global panorama of encroaching tyranny that applied specifically to the American colonies.

The Declaration’s central catalogue of the king’s “Injuries and Usurpations” was deliberately unspecific regarding places and dates. Any of the multiple charges arrayed against the monarch could apply to any, or all, of the colonies.⁵⁹ Few of those charges would have been entirely new to anyone who had been following the American pamphlet wars of 1774–1776 at all closely: for example, many of them had appeared in Congress’s

letter to the inhabitants of the colonies in 1774 and in Jefferson's *Summary View of the Rights of British America* that same year.⁶⁰ In the *Summary View*, Jefferson had listed them in the context of an address to the king himself from the Virginia House of Burgesses and in support of a federal conception in which the king was but the "chief magistrate of the British empire" composed of multiple "states," "the distinct and independent governments" of British America among them. The "bold succession of injuries" that Jefferson described was laid at Parliament's door, not the king's, to "plainly prove a deliberate and systematical plan of reducing us to slavery."⁶¹

By contrast, the Declaration's litany of abuses began with a series of general offenses against the colonies, then followed with a set of more specific charges that the king had assented to acts of legislation "to subject us to a Jurisdiction foreign to our Constitution," before culminating in a list of more wide-ranging physical and economic assaults on the inhabitants of the colonies.⁶² The first group comprised charges that the king had directly interfered in colonial affairs by blocking colonial legislation, disrupting colonial assemblies, discouraging immigration, interfering with the judicial process and judicial freedom, and imposing a standing army on the colonies. The second group specified the metropolitan legislation that had been passed without regard to the needs of the colonies, including "cutting off our Trade with all Parts of the World," "transport-

ing us beyond the Seas to be tried for pretended Offences," and "abolishing the free System of English Laws in a neighbouring Province" (that is, Québec).

As the charges mounted rhetorically to their crescendo, so the third, and climactic, group moved outward from the purview of domestic administration and colonial legislation into the realm of the law of nations. The king, the Declaration charged, "has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People." He was importing foreign mercenaries to complete "the Works of Death, Desolation and Tyranny, already begun with circumstances of Cruelty and Perfidy scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation." He had forced "our fellow Citizens taken Captive on the high Seas" to take up arms against their own countrymen, and, in the crowning evidence of his despotism, "He has excited domestic Insurrections amongst us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction of all Ages, Sexes, and Conditions."

The British people provided no defense against these depredations because they would not "disavow these Usurpations, which, would inevitably interrupt our Connections and Correspondence"—that is, would cut off the colonies from all kinds of commerce with the wider world. There was thus no alterna-

tive to suspending the previous familial bonds between Britons and British Americans and replacing them with the relations of independent peoples under the law of nations: "We must, therefore, acquiesce in the Necessity which denounces our Separation, and hold them, as we hold the rest of Mankind, Enemies in War, in Peace, Friends."

In the version of the Declaration ultimately ratified by Congress and published to the world, the rhetorical climax of the long train of alleged abuses was the accusations that George III had attempted to stir up "domestic insurrections"—that is, slave rebellions like those the British governor Dunmore had encouraged by proclamation in Virginia in 1775 to undermine the colony's plantation economy—and had drawn "the merciless Indian Savages" down upon the colonists.⁶³

These charges implied that the king had effectively placed the colonies "beyond the line" of civilized practice in warfare. The customary law of European nations in the eighteenth century formally excluded such incursions from the pale of civilized behavior. The Declaration implied that to readmit illicit violence and savagery—in the form of freed slaves and indigenous modes of warfare—within the bounds of the colonies themselves was an affront to an emerging international order and not just to the sensibilities of particular colonists. Such a charge could of course easily be turned around, as the British demonstrated during the American War when they similarly

accused the colonists of engaging in savage practices contrary to the prevailing European laws of war.⁶⁴

In Jefferson's original draft of the Declaration, the final charge against the king made an even more explicit appeal to the law of nations and to the norms of contemporary European civilization. George III, Jefferson contended,

has waged cruel war against human nature itself, violating it's most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. this piratical warfare, the opprobrium of *infidel* powers, is the warfare of the CHRISTIAN king of Great Britain . . . and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which *he* deprived them, by murdering the people upon whom *he* also has obtruded them; thus paying off former crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the *lives* of another.

This passage seems doubly anomalous, both because Jefferson himself was embroiled in the institution of slavery and because

these words would inevitably be excised from the final version of the Declaration by the representatives of those states that wished to continue the slave trade or had been implicated in it before 1776. As Jefferson reported, "the clause . . . reprobating the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina and Georgia . . . our Northern brethren also I believe felt a little tender under those censures; for tho' their people have very few slaves themselves yet they have been pretty considerable carriers of them to others."⁶⁵ Nonetheless, in the context of Jefferson's original draft of the Declaration, the passage marked the logical climax to the train of abuses with which the king had been charged.⁶⁶

However implausible it may have been to lay personal responsibility for the slave trade on the shoulders of George III, the comparison between "the CHRISTIAN king of Great Britain" and "*infidel* Powers" like those of Morocco and Algiers who engaged in "piratical warfare" against Europeans, outside the norms of the law of nations, recalled the charge in the *Summary View* that the king had "preferr[ed] the immediate advantages of a few British corsairs to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice," by refusing to countenance the abolition of the slave trade.⁶⁷

It also hinted at one of the most troubling implications of American independence: that the Royal Navy would no longer

protect American shipping from assaults by the Barbary corsairs who preyed on merchant vessels in the Mediterranean. When the United States entered into its first defensive alliance, with France in February 1778, the provisions of the Franco-American Treaty of Amity and Commerce included the crucial clause offering French protection for "the Benefit, Conveniency and Safety of the said United States, and each of them, their Subjects, People, and Inhabitants, and their Vessels and Effects, against all Violence, Insult, Attacks, or Depredations on the Part of the . . . Princes and States of Barbary, or their Subjects."⁶⁸

The longest passage that Congress excised from the Declaration was inflammatory not least because Jefferson had rendered equivalent both the free inhabitants of British America and the enslaved by calling each a "people." In the opening paragraph of his original draft, Jefferson had written, "When in the course of human events it becomes necessary for *a people* to advance from that subordination in which they have hitherto remained," which Congress amended to become the more familiar, "When in the Course of human Events, it becomes necessary for *One people* to dissolve the Political Bands which have connected them *with another*" (my emphases). In the Declaration adopted by Congress, Britons and Americans alone were called "peoples" in two mutually reinforcing senses: as the inhabitants of two territories constituted politically as sovereign bodies, and

also as two of the units within the traditional law of nations, or what legally minded contemporaries would have called the law of peoples (what in Roman law had been called the *jus gentium* and what, in contemporary French and German legal language, was called the *droit des gens* or *Völkerrecht*). The excision of the passage relating to the slave trade and the alteration of the opening sentence of the Declaration removed any such parity between Africans and Americans, as “peoples” or as the victims of “subordination.”⁶⁹ Yet these would be just the terms in which Jefferson would later argue for emancipation in *Notes on the State of Virginia* (1785): the Virginia legislature could free the enslaved by sending them to colonize the western lands, with a duty on the Virginians “to declare them a free and independant people, and to extend to them our alliance and protection.”⁷⁰

The wider world imagined in the Declaration—both in its drafts and in its final published version—was a world of peoples linked by both benign and malign forms of commerce. It was also an arena of warfare between Americans and Britons, as well as among their various allies and enemies. This international community was populated mostly by mutually recognizing sovereign states, but it was threatened by outlaw powers who acted more like pirates, those traditional enemies of humankind engaged in warfare against humanity itself.⁷¹ In many ways this was a recognizably modern world, in which com-

merce and war are the most conspicuous forms of interaction between different peoples and states. Even among European thinkers, that conception of the interactions between states was barely a century old in 1776.⁷² Yet it was also a world in which metaphysical norms—“the Laws of Nature and of Nature’s God”—could still be appealed to, alongside the “known Rules of Warfare” and cultural standards like civility and barbarism.

This was the world into which the members of Congress believed they were introducing the United States of America by means of the Declaration of Independence. In its self-justifying pamphlet *Observations on the American Revolution* (1779), Congress took independence to be a settled but embattled fact: “we must hold ourselves ready to repel force by force wherever assailed, and firmly retort to every infringement of the law of nations with unfailing perseverance.” If the independence of the United States could be defended, and the law of nations upheld, then the United States would become what Thomas Paine and others had predicted: an asylum for oppressed humanity, a beacon of knowledge and benevolence, and a universal entrepôt for the commerce of the world.⁷³

This would also be the millennialist vision Ezra Stiles, the Congregationalist preacher and president of Yale College, promised in the immediate aftermath of British recognition of American independence in 1783:

This great American revolution, this recent political phenomenon of a new sovereignty arising among the sovereign powers of the earth, will be attended to and contemplated by all nations. Navigation will carry the American flag around the globe itself; and display the Thirteen Stripes and New Constellation at *Bengal* and *Canton*, on the *Indus* and the *Ganges*, on the *Whang-ho* and the *Yang-tse-kiang* . . . knowledge will be brought home and treasured to *America*; and being here digested and carried to the highest perfection, may reblaze back from *America* to *Europe*, *Asia* and *Africa*, and illumine the world with TRUTH and LIBERTY.

As Stiles noted in the second edition of his sermon, *The United States Elevated to Glory and Honour*, published two years later in 1785, this vision was already becoming a reality, with the return to the United States of the first American East-India ships from Canton, Macao, and Calcutta.⁷⁴ The Declaration had imagined a new world only for the pursuit of American sovereignty. Now, its consequences would shape that world, thanks to the “new sovereignty . . . among the sovereign powers of the earth” that it had helped to bring into being.

CHAPTER TWO

The Declaration of Independence in the World

In the early decades after 1776, the Declaration inspired more attention and commentary outside the United States than it did at home. Little of that attention was directed toward the Declaration’s second paragraph; indeed, most of it either dealt with refuting the grievances against King George III or reflected more broadly on the implications of American independence for the emerging international order of the late eighteenth-century Atlantic world.

Partisan strife at home, and debate about the nature of independence abroad, made it necessary for Americans to rehabilitate their Declaration after 1815. A document that had addressed itself to the “Opinions of Mankind” and to “a candid

World” had to be recovered from its cosmopolitan contexts and made into something specifically American. This effort of domestication would have two equal and opposite effects: first, it would hide from Americans the original meaning of the Declaration as an international, and even a global, document; second, it would ensure that within the United States only proponents of slavery, supporters of Southern secession, and anti-individualist critics of rights talk would be able to recall that original meaning.

The very fact of American independence in the eyes of the world confirmed the effects of this change in the document’s meaning for Americans. As Woodrow Wilson noted on July 4, 1914, in a speech at Independence Hall in Philadelphia, “In one sense, the Declaration of Independence has lost its significance. It has lost its significance as a declaration of national independence. . . . now nobody anywhere would dare doubt that we are independent and can maintain our independence. As a declaration of independence, therefore, it is a mere historic document.”¹

The primary intention behind the Declaration of Independence in 1776 had been to affirm before world opinion the rights of one people organized into thirteen states to enter the international arena on a footing equal to other, similar states. The authors of the Declaration had sought the admission of the United States of America to a pre-existing international order;

accordingly, they had couched their appeal to the powers of the earth in terms that those powers would understand and, Congress hoped, also approve. “In our Transactions with European States, it is certainly of Importance neither to transgress, nor to fall short of those Maxims, by which they regulate their Conduct towards one another,” explained James Wilson in January 1777.² In this sense, the Declaration signaled to the world that the Americans intended their revolution to be decidedly *un*-revolutionary. It would affirm the maxims of European statecraft, not affront them. It would conform as far as possible to the regulatory norms of contemporary politics. Least of all would it be an incitement to rebellion or revolution elsewhere in the world, rather than an inducement to reform.³

The Declaration of Independence has been called “a document performed in the discourse of the *jus gentium* [the law of nations] rather than *jus civile* [the civil law].”⁴ Owing to its success in securing American independence, this fact has generally been overlooked. The document’s opening and closing statements have been taken for granted because in retrospect they seemed to have enduringly confirmed that independence. Yet they are, after all, the most prominent sentences in the document, the statements of what the United States intended to become: “to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature’s God entitle them”; and of what they could do once they had

achieved that goal: "to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do." The rest of the Declaration provided only a statement of the abstract principles upon which the assertion of such standing within the international order rested, and an accounting of the grievances that had compelled the United States to assume their independent station among "the Powers of the Earth."

Though largely forgotten now, this understanding of the Declaration's meaning held sway even among American commentators for almost half a century after 1776. Thus John Adams, writing in 1781, called the Declaration "that memorable Act, by which [the United States] assumed an equal Station among the Nations." For a group of Americans in Paris, writing to Thomas Jefferson on July 4, 1789, the document was "that declaratory act which announced to the world the existence of an empire." To David Ramsay, in his *History of the American Revolution* (1789), it was "the act of the united colonies for separating themselves from the government of Great-Britain, and declaring their independence." For John Quincy Adams, speaking on Independence Day, 1821, "the Declaration of Independence, in its primary import, was merely an *occasional* state-paper. It was a solemn exposition to the world, of the *causes* which had *compelled* the people of a small portion of the British empire, to cast off their allegiance and renounce the protection of the

British king: and to dissolve their social connexion with the British people." From the other side of the sectional divide, John C. Calhoun concurred some years later: "The act was, in fact, but a formal and solemn announcement to the world, that the colonies had ceased to be dependent communities, and had become free and independent States."⁵

This emphasis on the state-making capacity of the Declaration was partly an American response to a counter-revolutionary critique of theories of natural rights in the 1770s that foreshadowed the much more vehement offensive against the French Declarations of the Rights of Man and of the Citizen in the 1790s. The French Revolution would cast other shadows across the cause of American independence. The claim of some French revolutionaries that their movement owed its inspiration to the United States rendered key documents like the Declaration suspect and dangerous in the eyes of those who feared the wholesale destruction of the political and diplomatic order of the Atlantic world. Though it is now common to assimilate the American and French Revolutions to each other, and to include both in a broader "Age of the Democratic Revolution" or "Age of Revolutions," such an identification obscures major differences between the two political movements when considered in their international context.⁶

International affairs were a major determinant even of the domestic, American, meaning of the Declaration. The elevation

of the Declaration to the status of “American scripture,” and the centrality of its second paragraph to that sanctified position, could take place only once all doubt had been laid to rest that the American and French Revolutions were but two distinct moments in a single movement against the established order. In the words of the German counter-revolutionary writer Friedrich Gentz—translated for an American audience by John Quincy Adams in 1800—“The American revolution was from beginning to end, on the part of the Americans, merely a *defensive revolution*; the French was from beginning to end, in the highest sense of the word, an *offensive revolution*.” It was regrettable, Gentz thought, that the Americans had with an “empty pomp of words” claimed the possession of natural and inalienable rights in the Declaration, but fortunately, “they allowed these speculative ideas no visible influence upon their practical measures and resolves.” Theirs was a legal revolution, directed against specific oppressive measures and not against monarchical principles *tout court*. On these grounds, “there was, *in itself*, nothing unnatural, nothing revolting, nothing plainly irreconcilable with the maxims of the law of nations, and the laws of self-preservation, in the alliance, which France contracted with them.”⁷

The maxims of the law of nations themselves were changing in the late eighteenth century, and with them, the interpretation of the Declaration as a document of international law. It

was in this period that “the law of nations, long and inextricably associated with the law of nature came . . . to be understood as positive law, made by sovereign states, acting collectively through authorized means, for their progressively more complex ends.”⁸ As one contemporary commentator remarked, it was “hardly possible that the simple law of nature should be sufficient, even between individuals, and still less between nations, when they come to frequent and carry on commerce with each other.” States had to temper the law of nature in practice and by consent: “The whole of the rights and obligations thus established between two nations, form the positive law of nations between them. It is called *positive*, particular, or arbitrary, in opposition to natural, universal and necessary law.”⁹ Thomas Jefferson himself encapsulated the prevailing wisdom of the period when he stated in 1793 that “the Law of Nations . . . is composed of three branches. 1. the Moral law of our nature. 2. the Usages of nations. 3. their special Conventions.”¹⁰ These overlapping conceptions of the law of nations would decisively shape the reception of the Declaration outside the United States in the decades immediately after 1776.

Reports of American independence traveled immediately across the Atlantic Ocean and then deep into Continental Europe in the summer and autumn of 1776. Only two months after Congress had passed its resolution on July 2, word of inde-

pendence had reached as far east as Warsaw.¹¹ The itinerary of the news illustrated the remarkable speed of communications in the late eighteenth century, as well as the richly developed network of newspapers and journals, and of spies and agents, that relied on the transmission of such information. Word had spread first to London, and from there to Scotland, Ireland, and Holland, before it was carried to the German lands, Scandinavia, and Southern and Eastern Europe, all in the space of barely eight weeks.

The text of the Declaration of Independence first appeared in London newspapers in the second week of August 1776.¹² Less than a week later, it was printed in Edinburgh, where the philosopher and historian (and strong supporter of American independence) David Hume could have read it on August 20, only five days before his death on August 25; it also appeared in the Dublin press on August 24.¹³ The next week it was reported in Madrid on August 27, and the Dutch press—beginning with the widely distributed *Gazette de Leyde* from Leiden—picked it up on August 30; the following day it also appeared in Vienna.¹⁴ By September 2, a Danish newspaper in Copenhagen carried a translation of the Declaration on its front page. On September 14 readers learned of it in Florence. The following month, a complete German translation was published in a Swiss journal in Basel.¹⁵

Despite this initially rapid transmission through the chan-

nels of late eighteenth-century print culture, the Declaration's progress was somewhat hampered by the fact that it was written in English. French, not English, was the reigning language of diplomacy, and English was not yet a major lingua franca even for the learned across Europe and the Americas.¹⁶ The worldwide community of English speakers would have amounted to barely more than the 12.5 million "subjects of the British empire" Arthur Young had estimated in 1772: that is, roughly the population of Austria (over 15 million), fewer than the inhabitants of Russia (circa 19 million), more than half the contemporary population of France (24 million), perhaps half the number of the Ottoman sultan's 28–30 million subjects, but only a fraction of the nearly 270 million inhabitants of the Qing empire in 1776.¹⁷

Though English would not greatly aid the spread of the Declaration, American independence would in due course help to secure the global dominance of English. John Adams predicted in 1780 that "English is destined to be in the next and succeeding centuries more generally the language of the world than Latin was in the last or French is in the present age."¹⁸ (In this regard, it is notable that the Declaration seems never to have been translated into Latin, in 1776 or since.) Two years later, Caleb Whitefoord, the Scottish secretary to the British peace commissioners in Paris, concurred when replying to a French taunt that "the United States would form the greatest empire in

the world": "Yes, sir, and they will *all* speak English; every one of them."¹⁹ Not quite every one within the United States spoke English, of course. The colonies contained a diverse ethnic mix of Dutch, Germans, French, and Africans, as well as Britons and Irish. Indeed, the very first translations of the Declaration, into German, appeared between July 6 and 9, 1776, as a broadside and then in a Philadelphia newspaper, for the benefit of the local German community.²⁰

In the second half of 1776, the Declaration itself received little or no direct commentary in France, Italy, Germany, Poland, Switzerland, or Spain. The immediate effect of the less specific news of independence on Europe was minimal.²¹ Only in England and Ireland did it have any direct political consequences. Supporters of the British cause had predicted that "the Declaration for an Independency must totally silence any Advocates [the Americans] had in England."²² Some of the firmer partisans of the American cause may have been cheered by the news. Wavering sympathizers of the Americans recoiled as Congress had clearly marked a point of no return in the conflict with Britain.²³ Edmund Burke, for one, later histrionically confessed that "the day that he first heard of the American states having claimed Independency, it made him sick at heart; it struck him to his soul, because he saw it was a claim essentially injurious to this country, and a claim which Great Britain could never get rid of. Never! Never! Never!"²⁴

British and American Loyalist opponents of the American rebellion either deplored the presumptuousness of the colonists or took comfort from the fact that a long-meditated conspiracy for independence had at last been flushed out into the open. On Staten Island with the British forces, Ambrose Serle, the secretary to the British admiral Lord Richard Howe, expressed his horror at the Declaration on July 13, 1776: "A more impudent, false and atrocious Proclamation was never fabricated by the Hands of Man."²⁵ Howe himself sent one of the first copies of the Declaration back to London in August 1776. He also recognized how it had changed relations between the British and the colonists when he met a congressional delegation, comprising John Adams, Benjamin Franklin, and Edward Rutledge, on Staten Island in September 1776: "They themselves had changed the ground . . . by their Declaration of Independency, which, if it could not be got over, precluded him from all Treaty . . . he had not, nor did he expect to have, Powers to consider the Colonies in the light of Independent States."²⁶

The most efficient transmitters of the Declaration across the Atlantic were not the agents of Congress but British civilian and military officials in North America. During the autumn of 1776, these officers sent five copies of the Declaration back to Britain, where they later found their way into the British state papers. These copies now make up the largest collection of original printings of the document outside the United States.²⁷

At the time, they seem to have aroused no immediate ministerial reaction. What that reaction might have been can be inferred from the response of the exiled former governor of Massachusetts, Thomas Hutchinson, who was in London just as details of the Declaration arrived: "The Congress has issued a most infamous Paper reciting a great number of Pretended tyrannical deeds of the King and declaring their Independence."²⁸ In a delicious irony, Hutchinson had received an honorary degree from Oxford, the most conservative of contemporary British universities, on July 4, 1776. Within a few weeks of hearing of the Declaration, he also published one of only two British pamphlets in reply to it: as well he might have done, for he was the intended target of some of its most egregious charges.²⁹ Hutchinson surely shared the sentiments of George III, who delivered a speech to the British Parliament on October 31, 1776, in which he condemned the "daring and desperate" spirit of the leaders of his American colonies, who had "presumed to set up their rebellious confederacies for independent states."³⁰

On the western side of the Atlantic, silencing the Declaration was a more effective governmental response to its challenge than attempting to refute it. When word of the Declaration had reached the British colony of Nova Scotia, in August 1776, the British governor allowed only the last paragraph of the document to be printed, lest the rest of it "gain over to

them (the Rebels) many converts, and inflame the minds of his Majesty's loyal and faithful subjects of the Province of *Nova Scotia*."³¹ Back in Britain, however, the government could not respond openly and officially to the Declaration, for that "would be to recognise that equality and independence, to which subjects, persisting in revolt, cannot fail to pretend . . . This would be to recognise the right of other states to interfere in matters, from which all foreign interposition should for ever be precluded."³² Lord North's ministry did, however, secretly commission a rebuttal to the Declaration, from which these words are taken. The author of *Answer to the Declaration of the American Congress* (1776) was John Lind, a young lawyer and pamphleteer who had previously come to the administration's notice with his pamphlets *Remarks on the Principal Acts of the Thirteenth Parliament* (1775) and *Three Letters to Dr Price, Containing Remarks on his Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War with America* (1776).³³

Two versions of *Answer to the Declaration* appeared in 1776. The ministry seems to have judged that the first version went too far both in trying to imagine the justifications the Americans might have had for issuing their Declaration and in presuming to offer the "Outlines of a Counter-Declaration" that the king could present in refutation of the Americans' assertions. The ministry suppressed the initial text of the *Answer*—only one copy of which now survives—and had the whole

work revised before eight thousand copies were issued in multiple editions over the course of 1776.³⁴ Five hundred copies of this revised *Answer to the Declaration* were sent from London to America, to instruct the British forces and to rebut American arguments in favor of independence.³⁵

The *Answer to the Declaration* was mostly a point-by-point examination and refutation of the charges against the king. Lind denied that the Americans were still anything other than treacherous individuals, rather than states, and hence argued that they were still rebels rather than legitimate corporate belligerents. To do otherwise would have been to make a mockery of the idea of allegiance, let alone legality; after all, if the colonists were acknowledged to be independent citizens of a foreign state, what could have prevented a pirate like Captain Kidd from protecting himself against criminal prosecution by declaring himself independent? "Instead of the guilty pirate," Lind warned, "he would have become the *independent* prince; and taken among the 'maritime' powers—'that separate and equal station, to which'—he too might have discovered—'the laws of nature and of nature's God entitled him.'"

Finally, Lind mocked the colonists for their hypocrisy in announcing the natural equality of all mankind while failing to free their slaves: such rights were hardly inalienable, and clearly not natural, if they were denied to "these wretched beings."³⁶ Thomas Hutchinson similarly wished "to ask the Delegates of

Maryland, Virginia, and the Carolinas, how their Constituents justify the depriving more than an hundred thousand Africans of their rights to liberty, and *the pursuit of happiness*, and in some degree, to their lives, if their rights are so absolutely unalienable." The English abolitionist Thomas Day, writing in 1776, went even further in his criticism: "If there be an object truly ridiculous in nature, it is an American patriot, signing resolutions of independency with the one hand, and with the other brandishing a whip over his affrighted slaves."³⁷

The *Answer to the Declaration* was one of only a handful of contemporary publications to comment on the natural rights claims of the Declaration's second paragraph. Among Continental writers, the French duc de La Rochefoucauld d'Enville alone, writing in the guise of a banker in London, considered the claim that all men are created equal to be an established truth in all religions. He saw nothing in the Declaration's further rights claims that could be construed as a challenge to general rights of sovereignty. This was of a piece with his effusive assessment that the Declaration was "the greatest event of the campaign, of the war itself, and perhaps of this century."³⁸ Among British and Loyalist respondents, only Hutchinson dealt with the question of rights, and even then he did so briefly and dismissively, while a letter in the August 1776 issue of *The Scots Magazine* reduced the Declaration's self-evident truths to absurdity: "these gentry assume to themselves an unalienable right of

talking nonsense.”³⁹ Two years later in 1778, in the course of versifying the whole Declaration, grievances and all, an obscure English satirist named Joseph Peart wittily mocked the American assertion

*That all men are born free alike,
And are undoubtedly allow'd,
By providence to be endow'd,
(As many a learned author writes)
With some unalienable rights;
'Mong these we lay the greatest stress,
On life, pursuit of happiness,
And (what is best of all the three)
Of uncontrouled liberty.
For surely no one can believe,
But he's a certain right to live,
Without receiving check or stop here,
As long as ever he thinks proper.*⁴⁰

The “Short Review of the Declaration” accompanying Lind’s *Answer* similarly judged the principles upon which the Americans claimed their independence to be tautologous, redundant, inconsistent, and hypocritical. “If to what they now demand they were entitled by any law of God,” thundered the reviewer, “they had only to produce that law, and all controversy was at

an end. Instead of this, what do they produce? What they call self-evident truths. . . . At the same time, to secure these rights, they are content that Governments should be instituted. They perceive not, or will not seem to perceive, that nothing which can be called government ever was, or ever could be, in any instance, exercised, but at the expence of one or other of those rights” to life, liberty, or the pursuit of happiness.⁴¹

This precocious attack on the language of individual natural rights in the *Answer to the Declaration* was a significant contribution to late eighteenth-century counter-revolutionary discourse. The “Short Review” formed a link between the American and French Revolutions because its main author was not Lind but his friend the philosopher Jeremy Bentham.⁴² Bentham had earlier collaborated on Lind’s *Remarks* and had prepared a devastating (but unpublished) criticism of what he called “negative liberty” for inclusion in Lind’s *Three Letters to Dr Price*.⁴³ Until the end of his life, Bentham remained critical of the principles that underpinned the Declaration. “Who can help lamenting that so rational a cause should be rested upon reasons, so much fitter to beget objections, than to remove them?” he complained in 1789, referring to the Virginia Declaration of Rights, the Massachusetts Declaration, and the Declaration itself; almost half a century later he still called the Virginia Declaration “a hodge-podge of confusion and absurdity, in which the thing to be proved is all along taken for granted.”⁴⁴

The basis of Bentham's criticism remained consistent. Ascribing laws to nature, and deriving natural rights from such laws, was not simply nonsense but "rhetorical nonsense, nonsense upon stilts," as he called it in his demolition of the French Declaration of the Rights of Man and the Citizen almost twenty years after his earlier reply to the Declaration of Independence.⁴⁵ Defensible rights could be derived only from the positive acts of identifiable legislators. In the relations between nations, the only positive acts were the transactions of sovereigns that made up a body of positive "international law," as Bentham had been the first to call it in 1780. His attack on the premises of the Declaration may have helped to sharpen his sense that this new term was needed to denominate an increasingly salient body of law. If the Continental Congress were to be acknowledged as a legitimate executive body, then its Declaration could be construed as a positive act within the ambit of international law. However, it could be acknowledged in this way only if the Declaration itself were recognized as the positive act that had endowed Congress with international personality as a sovereign body. How could independence be declared, except by a body that was already independent in the sense understood by the law of nations?

This would be the nub of the legal argument raised by the Declaration in the decades after 1776. A mere declaration alone could not constitute independence; it could only an-

nounce what had already been achieved by other means. The Declaration had thus to perform American independence in the very act of announcing it. As the French philosopher Jacques Derrida pointed out in 1976, on the anniversary of American independence, "The question remains. How is a State made or founded, how does a State make or found itself? . . . Who signs all these authorisations to sign?"⁴⁶ Bentham had asked a similar question two centuries earlier in his *Fragment on Government* (April 1776): "When is it, in short, that a *revolt* shall be deemed to have taken place, and when . . . is it that that revolt shall be deemed to such a degree successful, as to have settled into *independence*?"⁴⁷ At this point he refused to say, but the question remained when he joined Lind's attack on the Declaration later that same year.

American independence could be accomplished only through external recognition, in the form of tangible military assistance and diplomatic and commercial transactions. Accordingly, Congress instructed its commissioners in Paris, Silas Deane, Benjamin Franklin, and Arthur Lee, "to obtain as early as possible a publick acknowledgement of the Independancy of these States of the Crown and Parliament of Great Britain by the Court of France."⁴⁸ Congress found the long silence from the French court in 1776 and for more than a year afterward particularly troubling. The first American representative in Paris, Deane, did not receive the copy of the Declaration that

was sent to him on July 8, 1776, along with instructions to “immediately communicate the piece to the Court of France, and send copies of it to the other Courts of Europe. It may be well also to procure copies of it into French, and get it published in the gazettes.” A second copy arrived only in November 1776, by which time the news of American independence had been circulating for at least three months elsewhere in Europe.⁴⁹

French audiences could by then have read a translation of the Declaration in the *Gazette de Leyde* or another in the Parisian *Political and Historical Journal* dated September 10, 1776. Two more translations would appear the following year in the *Affairs of England and America*—a journal secretly sponsored by the French foreign minister, the comte de Vergennes—and other versions could be found in subsequent years in two collections of American state papers published in Paris that were associated with Benjamin Franklin, the *Collection of Constitutional Laws of the English Colonies* (1778), which was dedicated to him, and the *Constitutions of the Thirteen Colonies of the United States of America* (1783), which he revised.⁵⁰ However, though the marquis de Lafayette and others admired the Declaration, the French paid much more attention to the American state constitutions than to the Declaration itself in the years before and after 1789.⁵¹

When the French court did eventually enter into a treaty of alliance with the United States in February 1778, following the

watershed American victory over British forces at the battle of Saratoga, it did so “to maintain effectually the liberty, Sovereignty and independence absolute and unlimited of the said United States,” among other things.⁵² This was, of course, what Congress had hoped for all along, having simultaneously created committees for drafting the Declaration and the Model Treaty.

France’s *de facto* recognition of American independence by the treaties of 1778 elicited immediate denunciation from Britain. The ministry commissioned the historian of empire and Board of Trade member Edward Gibbon to write a “justificatory memorial” in French exposing the bad faith of the French court in making an alliance with “the dark agents of the English Colonies, who founded their pretended independence on nothing but the boldness of their revolt.” Gibbon argued that the alliance was a specific repudiation of the articles of peace signed between Britain and France at the end of the Seven Years’ War; it was also a general offense against the law of nations, which debarred any power from offering aid to rebels within the dominions of another legitimate sovereign. To believe otherwise would be “to introduce maxims as new as they are false and dangerous into the jurisprudence of Europe” and would lead to further revolts in the American provinces of France and Spain. The Americans themselves should also be warned that their “pretended independence, bought with so

many miseries and so much blood," would soon be subject to the despotic will of a foreign court.⁵³

To Gibbon's solemn admonitions and aspersions on American independence the English radical John Wilkes retorted: "Why must it be 'la déclaration (*ouverte*) de leur indépendance (*prétendue*)' . . . after the third anniversary of the *independance* of *The United States* had been celebrated? The *independance* of the country is tolerably well established, when a foreign prince cannot make an exciseman": that is, when the former ruler could no longer appoint even the lowliest administrative officers because he had long since lost effective control. American independence, Wilkes argued, was based not on the Americans' rebellious boldness but on the facts so rigorously set forth in "the famous Declaration of *Independance* of the memorable fourth of July, 1776."⁵⁴

If the Declaration's purpose was to enable the rebellious colonies to enter into diplomatic and commercial alliances with other powers, as Paine, Richard Henry Lee, the local declarations, and the drafting committee of the Continental Congress intended, at what point did the colonies become states and the rebels acquire legitimacy? The United States formally entered the international system upon joining the Franco-American alliance; only after that could the question of American independence be treated as a positive, albeit contested, international fact.

Yet the fact of independence was one thing; the basis on which the Declaration had asserted it quite another, for only positive acts could constitute statehood. If a mere declaration was insufficient, and the acknowledgment of independence by Britain inconceivable, would recognition of independence by a third power, such as France, be necessary to ensure legitimacy? Would even recognition by third parties be inadequate until the metropolitan government had conceded independence, as Britain did only by the Peace of Paris in 1783?⁵⁵

These questions concerning independence, statehood, and recognition were at the heart of the emerging positive law of nations in the late eighteenth century, and the Declaration—like American independence itself—was received in this light after 1783 and in Europe. These aspects of the Declaration became the focus of the rapidly evolving argument about the theory of the legal recognition of states. To claim an equal station for the United States among "the Powers of the Earth," the colonists needed more than the bare assertion that those states were entitled to their independence by virtue of the "Laws of Nature and of Nature's God." The modern exponents of natural law, such as Vattel, had argued that states did, indeed, possess a right to existence, independence, and equality. But the means by which new states might acquire that right, if they had not previously possessed it, became a central topic of international legal argument only in the late eighteenth century, partly in re-

sponse to the issues of recognition raised by the Declaration of Independence itself.⁵⁶

The Declaration became a prominent exhibit in the earliest discussion of the recognition of states. This came from the German jurist and belletrist J. C. W. von Steck in 1783. Previously, discussions of state recognition in European public law had concerned individual rulers' rights of dynastic succession. Steck's approach was original in that he treated the recognition and legitimation not just of princes but of states in general. His account accordingly focused on republics like the United Provinces and the United States. In the latter case, Steck denied that American independence had had any international standing until it was formally and positively recognized by Britain. Writing in the immediate aftermath of the Treaty of Paris, he deemed French recognition in 1778 to have been premature, and hence without constructive force, because it had not been accompanied by any British renunciation of rights.⁵⁷

In 1789 the Göttingen law professor G. F. von Martens pressed Steck's point further to argue that, "when once obedience has been formally refused, and the refusing party has entered into the possession of the independence demanded, the dispute becomes the same as those which happen between independent states," subject, however, to the major proviso that the offended party could rightfully construe any aid or succor offered to the newly independent state as an act of war: "The

conduct that Great Britain observed . . . after the Colonies of North America declared themselves independent, may serve to illustrate this subject."⁵⁸ Some fifty years later, the question of state recognition raised by American independence had become canonized as one of the great *causes célèbres* of modern international law as it passed decisively into its positivist phase.⁵⁹

The victory of the Americans in their war of independence against Britain changed the status of the Declaration outside the United States. Britain's recognition of American independence in 1783 by Article I of the Peace of Paris indisputably confirmed what the Declaration had contentiously affirmed in 1776: "His *Britannick* Majesty acknowledges the said *United States* . . . to be Free, Sovereign, and Independent States" *de jure*, and no longer just *de facto*.⁶⁰ The momentousness of that event was not lost on Edmund Burke: "A great revolution has happened—a revolution made, not by chopping and changing of power in any one of the existing states, but by the appearance of a new state, of a new species, in a new part of the globe. It has made as great a change in all the relations, and balances, and gravitation of power, as the appearance of a new planet would in the system of the solar world."⁶¹ Once the Declaration's immediate purpose had been served, the opening and closing paragraphs fell into oblivion. As a sympathetic foreign observer, the marquis de Condorcet, noted in 1786, in France

American "independence is recognized and assured; [our politicians] seem to regard it with indifference."⁶² Because American independence was now an acknowledged fact in international politics, there was little need to consult the charter in which that independence had originally been asserted.

Soon after the official British recognition of American independence, European students of public law incorporated the Declaration into the modern positive law of nations. For example, the British politician and Board of Trade member Charles Jenkinson included it in his 1785 collection of treaties, and indeed used it to mark the most recent moment in a period of international affairs that had begun with the Spanish recognition of the independence of the United Provinces in 1649: "By the Treaties made at Paris in 1783, another Revolution was acknowledged and confirmed, viz. that of the United States of America." Jenkinson placed the document between a Spanish declaration of 1771 concerning the Falkland Islands and the Franco-American treaty of 1778, as an equivalent document within the positive law of nations.⁶³ Martens's *Summary of the Law of Nations . . . of the Modern Nations of Europe* (1789) listed it, along with the Articles of Confederation, which these European commentators also construed as an international agreement entered into by thirteen free and independent states.⁶⁴

The first generation of lawyers in the new American republic observed that the United States had entered the interna-

tional system at an especially propitious time in the history of the law of nations. For example, when James Kent produced the earliest digest of American law in 1826, he began his *Commentaries* with a chapter on the law of nations. This first chapter opened with the assertion that "when the United States ceased to be a part of the British empire, and assumed the character of an independent nation, they became subject to that system of rules which reason, morality, and custom, had established among the civilized nations of Europe, as their public law." He acknowledged that opinions differed as to whether the law of nations was "a mere system of positive institutions" or "essentially the same as the law of nature, applied to the conduct of nations."⁶⁵

Because the authors of the Declaration of Independence had striven to make the document conform to the prevailing norms of the late eighteenth-century international order, it had been jurisprudentially eclectic. It was neither wholly naturalist nor exclusively positivist. Its argument was partly grounded in natural law, but it concluded with a positive statement of "all the . . . Acts and Things which Independent States may of right do." By the third quarter of the eighteenth century the authority of natural law theory in Britain, France, and Germany was beginning to wane after almost two centuries of ascendancy.⁶⁶ It was therefore somewhat ironic that the language of individual natural rights—which in its modern form had sprung from this

tradition—should have become so prominent during the era of the American and French Revolutions: only as the philosophical underpinnings that had made sense of it gave way did that language gain a temporary, though far from permanent, hegemony over political discourse. By the end of the eighteenth century, in Europe at least, the notion of natural rights was apparently “an idea whose time had come too late in politics to coincide with its philosophical respectability.”⁶⁷

The rights claims of the Declaration itself played little part in American political discourse in the first forty years of the Republic. Five of the first state constitutions—Maryland (1776), North Carolina (1776), Pennsylvania (1776), Georgia (1777), and South Carolina (1778)—referred to the fact that the colonies had been declared independent, but only the New York constitution (1777) quoted the Declaration at length in its preamble. Many of these state constitutions enumerated various rights to life, liberty, and property, or based a right to pursue happiness and freedom on the belief that all men were born equal and independent, but they did so in language mostly drawn from other documents, especially George Mason’s draft of the Virginia Declaration of Rights.⁶⁸

The first imitation of the Declaration within North America affirmed the primacy of the rights of states over the rights of individuals. Inspired by the example of the United States, the inhabitants of the New Hampshire Grants declared their inde-

pendence from Great Britain and from the state of New York in January 1777 to form their own “separate, free and independent jurisdiction or state,” at first called New Connecticut but from June 1777 better known as Vermont.⁶⁹ “The State of *Vermont* . . . has a natural right to independence,” argued one of its defenders in 1780. “They have declared to the world that they are, and of right ought to be, a free independant State.”⁷⁰

The United States refused to recognize an independent Vermont because it presented such an obvious challenge to the territorial integrity of the states that had succeeded the boundaries and jurisdictions of the previously existing colonies. Others beyond New York and Congress shared this fear of further fragmentation. “If every district so disposed, may for themselves determine that they are not within the claim of the thirteen states . . . we may soon have ten hundred states, all free and independent,” observed a New Hampshire Convention of towns in 1780.⁷¹ This opposition to further claims to independence, and the insistence on the legal principle of *uti possidetis*—which “provides that states emerging from decolonization shall presumptively inherit the colonial administrative borders that they held at the time of independence”—foreshadowed the almost uniform insistence on the maintenance of territorial integrity after a declaration of independence in later world history.⁷² Vermont, however, remained separate both from Britain and from the United States until 1791, when it

became the first independent republic to join the American union.

The language of the Declaration of Independence did not appear in the Federal Constitution. Indeed, the Declaration itself was barely mentioned in the debates of the Constitutional Convention; it was alluded to only once in the *Federalist Papers*; and it was otherwise rarely appealed to in the extensive debate on the ratification of the Constitution. In light of these conspicuous absences from American public debate, it comes as little surprise that Alexis de Tocqueville did not mention the Declaration in *Democracy in America* (1835–1840).

In an age of bitter partisan strife between Federalists and Jeffersonian Republicans, the Declaration had come to seem like a dangerously francophile, anti-British document, and a charter for potential revolution against all established governments. Its claims to natural rights and to a right of revolution had sounded suspiciously like the “Jacobinical” tenets of the French Revolution. Its catalogue of grievances against King George III (who after all reigned until 1820) also rendered it distinctly anti-British even when Britain and the United States stood formally against the threats of the French Directory and, later, Napoleon. Only after the War of 1812 did the Declaration itself come to be celebrated with the same cross-party national fervor as the Fourth of July itself. It was in precisely this period that the Declaration became a national icon. The first engrav-

ings and reprintings of the document were produced for display in homes and official buildings in 1817. The following year, John Trumbull exhibited his painting of the signing, originally sketched in 1786, to large crowds in Boston. In 1823, John Quincy Adams commissioned William J. Stone, a British-born printer in Washington, D.C., to produce facsimiles on vellum of the engrossed parchment version of the Declaration. Two hundred lavish copies were distributed to the nation’s state houses and colleges, as well as to the surviving signers and the marquis de Lafayette.⁷³

It was in light of this renewed interest that the second paragraph of the Declaration began its progress toward becoming the heart of the Declaration’s meaning in the United States. Once independence had become an uncontested fact, Americans had little need to remember the assertions of independent statehood in the Declaration’s opening and closing paragraphs. When peace had been restored with Britain, and the precise incidents that lay behind the grievances in the main body of the Declaration had been forgotten, all of substance that remained to be revered was the second paragraph.

The Declaration’s original motivation and its cosmopolitan appeal to the “Opinions of Mankind” were lost to a nationalistic veneration of the document as a whole. Selective attention was paid only to its abstract claims rather than to its import as a document with international implications.

The natural rights claims of the second paragraph “gradually eclipsed altogether the document’s assertion of the right to revolution” only in the 1820s; before then, most American “citations of the Declaration were usually drawn from its final paragraph.”⁷⁴ In 1831 Sándor Bölöni Farkas, a Hungarian aristocrat traveling in the United States, neatly captured the significance of the document for Americans when in his account of the widespread American cult of the Declaration he noted that it bore no traces of the monarchical grants and charters found in Europe. Instead, “its language is entirely that of natural law.”⁷⁵ In this judgment he echoed John Quincy Adams, who in 1821 distinguished the Declaration from earlier historic agreements between nobles and their princes, such as the Magna Carta: “Here was no great charter of Runnimead, yielded and accepted as a grant of royal bounty.”⁷⁶

Beginning in the late 1820s, various groups across the United States imitated the Declaration as they pressed their own particular claims against a range of domestic—and occasionally foreign—tyrants and oppressors. It is a striking fact that it was three Britons, and not American-born citizens, who first used the Declaration in this way. The utopian socialist Robert Owen proposed in 1829 a “Declaration of Mental Independence” to free Americans from private property, organized religion, and marriage. On July 4, 1832, a Scotswoman and follower of Owen, Frances Wright, argued in Philadelphia that

the American Revolution would be incomplete without guarantees of free education, free labor, and retirement benefits for all working people. In a similar spirit, the English-born journalist George Henry Evans produced “The Working Men’s Declaration of Independence” in the same year.⁷⁷

The Declaration almost literally became American scripture when a Baptist journal published a Declaration of Independence from the “Satanic Crown and Kingdom” in August 1836 that was reprinted in the Cape Colony less than six months later.⁷⁸ As if to counter the cosmopolitan currents of circulation that these declarations represented, members of the white anti-Catholic, anti-immigrant Native American Convention issued a Declaration of Principles patterned after the Declaration in Philadelphia on July 4, 1845, “for the purpose of awakening their countrymen to a sense of the evils already experienced from foreign intrusion and usurpation.”⁷⁹ Two weeks later, on July 19, 1845, the Women’s Rights Convention, meeting in Seneca Falls, New York, issued the most enduring of all these early nineteenth-century imitations of the Declaration, Elizabeth Cady Stanton’s Declaration of Sentiments, which held that “all men and women are created equal” and submitted to a candid world the “history of the repeated injuries and usurpations on the part of man toward women.”⁸⁰

By means of these imitations, and as a result of its sanctification among other monuments of the founding era, the Declara-

tion became domesticated and Americanized for specifically national purposes. Gradually, only supporters of slavery and Southern secession came to insist that the Declaration's central message had been its announcement of independence. They did so not least to sap the increasing cultural prestige of the Declaration's enumeration of rights, resistance, and equality, lest they should be claimed by those to whom they had so obviously been denied: the enslaved.⁸¹ As the proslavery propagandist George Fitzhugh put it in *Cannibals All!* (1857), the American Revolution "had nothing more to do with philosophy than the weaning of a calf. It was the act of a people seeking national independence, not the Utopian scheme of speculative philosophers, seeking to establish human equality and social perfection."⁸² "All the bombastic absurdity in our Declaration of Independence about the inalienable rights of man," he later argued during the Civil War, "had about as much to do with the occasion as would a sermon or oration on the teething of a child or the kittening of a cat."⁸³

Abraham Lincoln sought to combat such sentiments by his repeated invocations and exegeses of the Declaration before and during the American Civil War. He did so by recalling that the Declaration had in fact held two messages, one in 1776 and one for the future. Lincoln argued that to reduce the Declaration to its contingent purpose in 1776 was to render it a dead letter, of no present relevance. If it were simply a declaration of

national independence, then its work had been done decades earlier: "Why that object having been effected some eighty years ago, the Declaration is of no practical use now—mere rubbish—old wadding left to rot on the battle-field after the victory is won." On the contrary, Lincoln stressed that there was a universal and enduring message in the Declaration that could be found in its second paragraph. "All honor to Jefferson," he later wrote in 1859, "to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times."⁸⁴

The application of that "abstract truth" as a yardstick to measure the antebellum United States was hardly likely to be reassuring. The free black abolitionist David Walker had made this point twenty years before Lincoln wrote. Walker concluded his *Appeal to the Colored Citizens of the World* (1829) with a call to white Americans to "compare your own language . . . extracted from your Declaration of Independence, with your cruelties and murders inflicted by your cruel and unmerciful fathers and yourselves on our fathers and on us."⁸⁵ The same point would be summoned with greatest force by the former slave Frederick Douglass before an audience in Rochester, New York, on July 5, 1852. In his towering oration, "What to the Slave is the Fourth of July?" Douglass told his mostly white au-

dience that that hallowed day was “the birthday of your National Independence, and of your political freedom” and that “the Declaration of Independence is the RING-BOLT to the chain of your nation’s destiny.” He reminded those present of Richard Henry Lee’s resolution of July 2, 1776, but failed to elaborate further on the grievances that had led to independence. Instead, he dramatically turned the tables on his listeners, arguing that this holiday was theirs and theirs alone: “I am not included within the pale of this glorious anniversary! Your high independence only reveals the immeasurable distance between us. . . . This Fourth [of] July is *yours*, not *mine*. *You* may rejoice, *I* must mourn.” The ineradicable national stains of slavery and the internal slave trade, the weakness of the abolitionist movement, and the connivance of the churches at the perpetuation of human bondage all confirmed that “there is not a nation on earth guilty of practices, more shocking and bloody, than are the people of these United States, at this very hour.”⁸⁶

Douglass hammered home his assault on his audience’s consciences by setting the “national inconsistencies” of the United States in both international and ultimately global contexts. White Americans, he charged, readily condemned tyranny in Russia or Austria but not in Virginia or Carolina. They “shed tears over fallen Hungary” but wept not for the wronged American slave. They burned for the liberty of France or Ireland “but are

as cold as an iceberg at the thought of liberty for the enslaved of America.” Such was their attachment to the Declaration that Americans asserted “before the world, and are understood by the world to declare,” that they held it self-evident that all men were created equal and endowed by their Creator with certain rights, among them life, liberty, and the pursuit of happiness, “and yet, you hold securely, in . . . bondage . . . *a seventh part* of the inhabitants of your country.”⁸⁷

Perhaps when the world had felt larger, communications had been slower, and nations had been more self-sufficient, a people could escape accountability for such spectacular hypocrisy, Douglass argued. After 1776, and in light of the contraction of the globe, they could no longer hide so easily from the judging eyes of humanity:

While drawing encouragement from the Declaration of Independence, the great principles it contains, and the genius of American Institutions, my spirit is also cheered by the obvious tendencies of the age. Nations do not now stand in the same relation to each other that they did ages ago. No nation can now shut itself up from the surrounding world, and trot round in the same old path of its fathers without interference. . . . Walled cities and empires have become unfashionable. The arm of commerce has

borne away the gates of the strong city. Intelligence is penetrating the darkest corners of the globe. It makes its pathway over and under the sea, as well as on the earth. Wind, steam, and lightning are its chartered agents. Oceans no longer divide, but link nations together. From Boston to London is now a holiday excursion. Space is comparatively annihilated.⁸⁸

With this precocious appreciation of what we would now call globalization, Douglass heralded a new moment in the international histories of the United States and the Declaration of Independence.⁸⁹ Seventy-six years on from 1776, the United States was still not completely free soil, yet at least it had a moral imperative to live up to, derived from the claims of its founding document.

The Declaration was now known to the whole world, and that world would judge America according to the document's standards. Commerce and communications bound peoples together as never before; one result of this interconnectedness would be a greater sharing of political and religious languages around the globe.⁹⁰ Douglass was surely correct to link the "encouragement" that could be derived from the Declaration with the more far-reaching "tendencies of the age" to dissolve cultural particularisms and to bring distinct peoples into closer

contact with one another. Yet he would soon prove to be mistaken about one defining feature of the age. "Walled cities" may have begun to fall around the globe by the mid-nineteenth century, but empires were far from going out of fashion: quite the contrary, in fact. Among the world leaders who sent congratulations to the United States on the centennial of independence in 1876 were the Russian emperor, Alexander II, the German emperor, William I, the emperor of Austria, Franz Joseph II, and the emperor of Brazil, Dom Pedro II.⁹¹ That same year, the British Royal Titles Act made Queen Victoria empress of India. A century after 1776, empires were certainly not in retreat; they were on the march and gaining ground across the world.

The Declaration of Independence had introduced the United States into an exclusive world of states in 1776. At the same moment, it had also led America into a world inhabited by empires, both the great territorial units of Eurasia and the European maritime empires that projected their power across oceans to span the whole globe. During the first half of the nineteenth century, the United States would be joined by a host of new republics in the Americas and by other emerging states in Europe. The world of empires, however, would not pass until the second half of the twentieth century. By the American bicentennial in 1976, it had almost entirely disappeared, though remnants of it linger with us still. Its gradual but accelerating

dissolution would be marked by a series of declarations of independence generically similar to—and sometimes modeled on—a document that Americans came to revere as their own, but which had become over time the possession of the whole world.

Notes

Introduction

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